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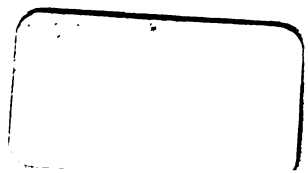


*Ed. Oct. 1909.*



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ACTS  
OF  
THE PARLIAMENT  
OF  
SOUTH AUSTRALIA.

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ANNO OCTAVO EDWARDI VII REGIS, A.D. 1908.

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Adelaide :

BY AUTHORITY: C. E. BRISTOW, GOVERNMENT PRINTER, NORTH TERRACE.  
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[Reserved, December 21st, 1907. Royal Assent proclaimed, May 14th, 1908.]
- No. 947. An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Three Months ending the Thirtieth day of September, one thousand nine hundred and eight. [Assented to, August 5th, 1908.]
- No. 948. An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Year ending the Thirtieth day of June, one thousand nine hundred and nine. [Assented to, October 7th, 1908.]
- No. 949. An Act to regulate the use of Passenger and other Lifts.  
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- No. 950. An Act to further amend "The Bread Act, 1891."  
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[Assented to, November 11th, 1908.]
- No. 953. An Act to provide for Irrigation and to create Boards for Reclaimed Swamp and other Lands, and to enable Loans to be made to Lessees of Reclaimed and Irrigation Areas.  
[Assented to, November 11th, 1908.]
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[Assented to, November 11th, 1908.]
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- No. 956. An Act for the Prevention of Cruelty to Animals.  
[Assented to, December 2nd, 1908.]
- No. 957. An Act relating to the Erection of Abattoirs for the City and Suburbs of Adelaide, and for other purposes. [Assented to, December 2nd, 1908.]
- No. 958. An Act to regulate the Keeping, Conveying, and Sale of Inflammable Oils.  
[Assented to, December 2nd, 1908.]
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- No. 960. An Act to provide for Advances to Settlers on Crown Lands, and for other purposes.  
[Assented to, December 23rd, 1908.]
- No. 961. An Act to amend "The Factories Act, 1907." [Assented to, December 23rd, 1908.]
- No. 962. An Act to make further provision for the Drainage of Land in the South-East of the State, and to further amend "The South-Eastern Drainage Act, 1878."  
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- No. 965. An Act to authorise the Construction of an Additional Railway from Port Adelaide to Glanville, and for an Additional Railway from Glanville to Largs, and for other purposes.  
[Assented to, December 23rd, 1908.]

- No. 966. An Act to authorise the Railways Commissioner to take possession of certain portions of the Adelaide Gaol Reserve, the Adelaide Park Lands, and the Sewers Yard adjoining the Adelaide and Nairne Railway, and to construct a Railway and Railway Works thereon, and for other purposes. [Assented to, December 23rd, 1908.]
- No. 967. An Act to declare the Main Roads Schedules. [Assented to, December 23rd, 1908.]
- No. 968. An Act to consolidate and amend the Law relating to the Sale of Food and Drugs. [Assented to, December 23rd, 1908.]
- No. 969. An Act to amend the Taxation Acts, and for other purposes. [Assented to, December 23rd, 1908.]
- No. 970. An Act to consolidate and amend the Laws relating to the Supplying of Intoxicating Liquors and the Exercise of Local Option with regard thereto, and the Licensing of Billiard and Bagatelle Tables, and for other purposes. [Assented to, December 23rd, 1908.]
- No. 971. An Act to amend and codify the Electoral Laws. [Assented to, December 23rd, 1908.]
- No. 972. An Act to authorise the Treasurer to raise Moneys to the amount of Two Millions Four Hundred and Sixty-three Thousand Pounds for various Public Works, and for other purposes. [Assented to, December 23rd, 1908.]
- No. 973. An Act for the Further Appropriation of the Revenue for the Year ended June Thirtieth, One Thousand Nine Hundred and Eight, and for the General Appropriation of the Revenue for the Year ending June Thirtieth, One Thousand Nine Hundred and Nine. [Assented to, December 23rd, 1908.]



ANNO SEPTIMO

# EDWARDI VII REGIS.

A.D. 1907.

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No. 946.

An Act to Surrender the Northern Territory of the State of South Australia to the Commonwealth of Australia, and for other purposes; and to Approve and Provide for Carrying Out an Agreement for such Surrender and other purposes entered into between the Governments of the said Commonwealth and the said State.

[*Reserved, December 21st, 1907.*  
[*Royal Assent proclaimed, May 14th, 1908.*]

**W**HEREAS the Governments of the Commonwealth of Australia Preamble.  
and the State of South Australia have entered into the Agreement set out in the Schedule, subject to approval by the Parliaments of the said Commonwealth and the said State: And whereas it is desirable to approve and ratify and to provide for carrying out the said Agreement, and on the terms and conditions thereof to surrender the said Territory to the said Commonwealth—Be it therefore Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act is divided into Parts, as follows:—

Division.

PART I.—Introductory.

PART II.—Approval and Ratification of the Agreement and Surrender of the Territory.

PART III.—

DIVISION I.—Sale of Port Augusta Railway to and Consent to Construction of Railways by the Commonwealth:

DIVISION II.—Incorporation.

PART

## PART I.

## PART I.

## INTRODUCTORY.

- Short title.**      **2.** This Act may be cited as “The Northern Territory Surrender Act, 1907.”
- Act to bind the Crown.**      **3.** This Act shall bind the Crown.
- Commencement.**      **4.** This Act shall come into force on a day to be fixed by Proclamation.
- Interpretation.**      **5.** In this Act, unless the contrary intention appears—
- “The Agreement” means the Agreement set out in the Schedule :
- “The Commissioner” means the South Australian Railways Commissioner :
- “The Commonwealth” means the Commonwealth of Australia :
- “Government” means the Government of the State, and in respect of the railways of the State includes the Commissioner :
- “The Northern Territory” means so much of the State of South Australia as lies to the northward of the twenty-sixth parallel of south latitude and between the one hundred and twenty-ninth and one hundred and thirty-eighth degrees of east longitude, together with the bays and gulfs therein, and all and every the islands adjacent to any part of the main land within such limits as aforesaid, with their rights, members, and appurtenances :
- “The Palmerston and Pine Creek Railway” means the railway authorised to be made and maintained pursuant to the “Palmerston and Pine Creek Railway Act, 1883” :
- “Part” means Part of this Act :
- “The Port Augusta Railway” means the railway from Port Augusta to Oodnadatta authorised to be made and maintained pursuant to Acts No. 26 of 1876, No. 226 of 1881, No. 281 of 1883, and No. 413 of 1887.
- “Proclamation” means Proclamation by the Governor published in the *Gazette* :
- “Public Service” includes Railway Service :
- “South Australia Proper” means South Australia, not including the Northern Territory :
- “The State” means the State of South Australia.

*The Northern Territory Surrender Act.—1907.*

## PART II.

## PART II.

APPROVAL AND RATIFICATION OF THE AGREEMENT  
AND SURRENDER OF THE TERRITORY.

6. The Agreement is hereby approved and ratified.

Ratification of  
Agreement.

7. The Northern Territory is hereby surrendered to the Commonwealth in accordance with the Agreement. Such surrender is subject to all freehold, leasehold, or other estates or interests in or agreements, securities or rights in respect of land within the said Territory in existence at the time of the acceptance of such surrender by the Commonwealth.

Surrender of the  
Territory.

Without limitation of the effect of such general words, such surrender includes the Palmerston and Pine Creek Railway and all the State's right, title, interest in, and control of, all State real and personal property and privileges in the said Territory (except moneys held by or on behalf of or to the credit of, or due or accruing due to, the State, at the date of the acceptance of such surrender), whether held by or vested in the Crown, or by or in any Commissioner, authority, or person, or otherwise, for State purposes.

Such surrender is subject to all freehold, leasehold, or other estates or interests in or agreements, securities, or rights in respect of land within the said Territory in existence at the time of the acceptance of such surrender by the Commonwealth.

8. On the acceptance of such surrender by the Commonwealth, the Government Resident and all other officers and persons in the Public Service of the State of South Australia whose salaries or other remuneration are provided for on the Estimates of Expenditure for the Northern Territory for the year 1907-8 may be transferred by and as from a date prescribed by Proclamation to the service of the Commonwealth, and on such transfer shall cease to be officers in the Public Service of the State of South Australia.

Government  
Resident and other  
officers to cease to be  
in service of State.

Any such officer who is not transferred to the service of the Commonwealth shall, unless he is appointed to some other office of equal emolument in the Public Service of the State, be entitled to receive from the State, in addition to any retiring allowance to which he may be entitled under the "Civil Service Amendment Act, 1881," any compensation payable under the law of the State on abolition of his office.

The provisions of section 84 of the Commonwealth Constitution Act as to transferred officers shall apply to any officer who is under this Act transferred to the service of the Commonwealth as if he were an officer retained in the service of the Commonwealth within the meaning of that section.

*The Northern Territory Surrender Act.—1907.*

## PART III.

## DIVISION I.

Sale and transfer of  
Port Augusta  
Railway to the  
Commonwealth.

Commonwealth may  
construct part of  
Transcontinental  
Railway to Port  
Darwin.

Commonwealth may  
construct railway  
to western boundary  
line of South  
Australia.

Power to make  
surveys of routes, &c.

## PART III.

## DIVISION I.—SALE OF PORT AUGUSTA RAILWAY TO, CONSENT TO CONSTRUCTION OF TRANSCONTINENTAL RAILWAY BY, THE COMMONWEALTH.

9. In accordance with the Agreement the Commonwealth may acquire the Port Augusta Railway, and the said railway, including the lands vested in the Commissioner now used or reserved for such railway, together with all stations and other buildings, sidings, wharves, and other accessories vested in the Commissioner and used in connection with the working of the said railway, except the locomotive engines, railway carriages, trucks, and other movable plant or rolling-stock, shall be and is hereby sold and transferred to and invested in the Commonwealth, and the Commonwealth may maintain and work such railway.

10. Subject to the provisions of this Act, and the Agreement, and of the Acts incorporated with this Act, the Commonwealth—

- i. For the purpose of carrying out, in accordance with the Agreement, its undertaking to construct or cause to be constructed the Transcontinental Railway line from Port Darwin southwards to a point on the Port Augusta Railway, may construct, or cause to be constructed, as part of such Transcontinental Railway, a railway in South Australia proper from a point on the Port Augusta Railway, to connect at a point on the northern boundary of South Australia proper with the part of such Transcontinental Railway to be constructed from Port Darwin southwards to such point, with all proper stations, approaches, works, and conveniences connected therewith and necessary therefor, and may maintain and work such railway when constructed :
- ii. May construct, or authorise the construction of, or cause to be constructed, a railway westerly from any point on the Port Augusta Railway through South Australia proper to any point on the western boundary line of South Australia proper, by a route to be determined by the Parliament of the Commonwealth, with all proper stations, approaches, works, conveniences connected therewith and necessary therefor, and may maintain and work such railway when constructed :
- iii. So far as may be necessary for the purposes of construction of the railways to the construction of which the State hereby consents, but subject to the provisions of and without limitation of the powers conferred by the Acts incorporated herewith, may—

(a) Make or cause to be made surveys of the route of such railways :

(b) Compulsorily purchase, take, or acquire lands.

DIVISION



*The Northern Territory Surrender Act.—1907.*

## DIVISION II.—INCORPORATION.

PART III.  
DIVISION II.

**11.** With this Part are incorporated the following Acts and the Acts incorporated.  
Acts amending same:—

- (1) The Lands Clauses Consolidation Act (except sections CXIV., CXV., CVI., CVII., and CVIII. thereof).
- (2) The Railway Clauses Consolidation Act (except sections LXXXI. to CLVIII., inclusive).
- (3) "The Railways Clauses Act, 1876" (except sections 12, 14, 15, and 17), but so that the said Act shall be read as applying to the Railways to the construction of which the State hereby consents, and as if "the Commonwealth" was substituted for "the Commissioner of Railways" in the said Act.

For the purposes of—

- (a) Such Acts the Commonwealth shall be deemed to be the promoter of the railway and this Act "a Special Act."
- (b) Section 13 of Act No. 202 of 1881 there shall be deemed to be no such Special Act.
- (c) This Part "the Commonwealth" shall include any authority constituted or appointed by the Commonwealth to construct, maintain, or work the railway, to the construction of which the State hereby consents. Definition.

**12.** For the purpose of construction of the railways to be or that may be constructed by it under this Part, the Commonwealth may exercise, in addition to the powers vested in it by this Act and the Acts incorporated herewith, all the powers, so far as applicable, that under any Act of the State at present in force the Commissioner or other authority of the State may exercise for the purposes of construction of the railways of the State. Commonwealth to have for construction, etc., powers of State authority.

I reserve this Act for the signification of His Majesty's pleasure.

GEORGE R. LE HUNTE, Governor.

*The Northern Territory Surrender Act.—1907.*

## THE SCHEDULE.

**AGREEMENT** made the seventh day of December one thousand nine hundred and seven BETWEEN the COMMONWEALTH OF AUSTRALIA (hereinafter referred to as the Commonwealth) of the one part and THE STATE OF SOUTH AUSTRALIA (hereinafter referred to as the State) of the other part WITNESSETH that subject as hereinafter mentioned to the approval of The Parliaments of the said Commonwealth and the said State and for the mutual considerations hereinafter appearing IT IS HEREBY AGREED that the State shall on the terms and conditions hereinafter appearing surrender to the Commonwealth the Northern Territory and shall sell and transfer to the Commonwealth the Port Augusta Railway and shall permit the Commonwealth to construct or cause to be constructed in South Australia proper the railways hereinafter mentioned to the northern and western boundaries of South Australia proper from any points on the Port Augusta Railway and shall permit the Commonwealth to maintain and work the said railways when so acquired and constructed.

**THE TERMS AND CONDITIONS** of this Agreement are as follows :—

- (1) The Commonwealth in consideration of the surrender of the Northern Territory and property of the State therein and the grant of the rights hereinafter mentioned to acquire and to construct railways in South Australia proper shall—
  - (a) Be responsible for the indebtedness of the State in respect of the Northern Territory as from the date of acceptance of such surrender and shall relieve the State from the said indebtedness in the following manner :—
    - I. By annually reimbursing the State the amount of the annual interest paid by it in connection with the loans in respect of the Northern Territory ; by paying annually into a Commonwealth Sinking Fund the amounts the State has undertaken to pay into such a fund in connection with the said loans ; and by paying and redeeming at or before maturity the said loans.
    - II. By paying the amount of the deficit (or Advance account) in respect of the Northern Territory to the said State in such manner as may be agreed upon. If the amount cannot be agreed upon it shall be determined by arbitration.
  - (b) Construct or cause to be constructed a railway line from Port Darwin southwards to a point on the northern boundary of South Australia proper (which railway with the railway from a point on the Port Augusta Railway to connect therewith is hereinafter referred to as The Transcontinental Railway).
  - (c) At the time of such surrender acquire from the State at the price and on the terms hereinafter mentioned the Port Augusta Railway including the lands now used for and reserved for such railway together with all stations and other buildings sidings wharves and other accessories used in connection with the working of the said railway except the railway carriages trucks and other movable plant and rolling-stock ;
  - (d) Construct or cause to be constructed as part of the Transcontinental Railway a railway from a point on the Port Augusta Railway to connect with the other part of the Transcontinental Railway at a point on the northern boundary of South Australia proper.
  - (e) Pay the price of the said Port Augusta Railway by becoming responsible on the date of the sale and transfer thereof to the Commonwealth for the amount of the loans raised by the State for the purpose of constructing the said railway and used therefor and by annually reimbursing the State the interest payable thereon and by paying annually into a Commonwealth Sinking Fund the amounts the State has undertaken to pay into such a fund in connection with the said loans until the said loans are paid and redeemed by the Commonwealth as or before they become due.

(f) Give

*The Northern Territory Surrender Act.—1907.*

- (f) Give and continue to give to the State and its citizens equal facilities at least in transport of goods and passengers on the Port Augusta Railway to those provided by the State Government at the present time and at rates not exceeding those at present in force.
- (g) Allow the State to connect any new railway hereafter constructed by the State in South Australia proper with any railways acquired or constructed by the Commonwealth in South Australia proper.
- (h) Allow the State reasonable running powers and rights on such conditions as may be agreed upon or in default of agreement as may be determined by arbitration on all railways acquired or constructed by the Commonwealth in South Australia proper and (without limitation of the scope of such powers and rights) the use on such conditions as aforesaid of the stations yards buildings and other accessories at Quorn and Port Augusta and the wharf at Port Augusta used in connection with the working of the said railway but not so as to interfere with the proper control working and maintenance of the railways of the Commonwealth.
- (2) The State in consideration of the covenants and agreements by the Commonwealth herein contained shall—
- (a) Surrender to the Commonwealth the Northern Territory and without limitation of the effect of such general words such surrender shall include the railway from Port Darwin southwards known as "The Palmerston and Pine Creek Railway" and all the State's right title interest in and control of all State real and personal property and privileges in the Northern Territory (except moneys held by or on behalf of or to the credit of or due or accruing due to the State at the date of the acceptance of such surrender) whether held by or vested in the Crown or by or in any Commissioner authority or person or otherwise for State purposes.
- (b) At the time of such surrender sell and transfer to the Commonwealth and consent to the acquisition by the Commonwealth of the Port Augusta Railway including the lands now used for and reserved for such railway together with all stations and other buildings sidings wharves and other accessories used in connection with the working of the said railway except the railway carriages trucks and other movable plant and rolling-stock and shall authorise by legislation the Commonwealth to maintain and work such railway when so acquired. The price of such railway shall be the cost of construction of the railway and stations and wharves and other buildings and accessories used therewith (including the cost of resumptions) without interest added but shall not include any expenditure on maintenance works. If the cost of construction cannot be agreed upon such cost shall be determined by arbitration.
- (c) At the time of such surrender authorise by legislation the Commonwealth to do all that is necessary to enable the Commonwealth to make surveys acquire the necessary lands and to construct or cause to be constructed a railway in South Australia proper from any point on the Port Augusta Railway to a point on the northern boundary line of South Australia proper to connect with that part of the Transcontinental Railway to be built in the Northern Territory from Port Darwin southwards to the northern boundary of South Australia proper and to maintain and work such railway when constructed; and to get all timber ballast and other material necessary for such construction in South Australia proper by paying compensation in accordance with the provisions of the State Acts at present in force payable by the State when constructing State railways.
- (d) At the time of such surrender authorise by legislation the Commonwealth in the same way and to the same extent as in the last preceding sub-clause mentioned to do all that is necessary to enable the Commonwealth to construct or cause to be constructed a railway westerly from any point on the Port Augusta Railway through South Australia proper to any point on the western boundary line of South Australia proper by a route to be determined by the Parliament of the Commonwealth and to maintain and work such railway when constructed.

(e) At

*The Northern Territory Surrender Act.—1907.*

(e) At the time of such surrender authorised by legislation the Commonwealth for the purpose of constructing the said railways to exercise at least all the powers and privileges held by the State in the Railway Construction Acts at present in force in the State of South Australia as if the railways referred to were being constructed by the State.

3. In consideration of the Commonwealth becoming responsible for the indebtedness of the State in respect of the Northern Territory in manner before mentioned the State hereby releases the Commonwealth from the liability imposed by the Commonwealth of Australia Constitution Act on the Commonwealth to compensate the State for any State properties within such Northern Territory vested in the Commonwealth in connection with any departments of the State transferred to the Commonwealth under the provisions of the said Constitution.

4. This Agreement shall not in any way be binding until and unless approved by the respective Parliaments of the Commonwealth and the State and legislation is passed enabling the Commonwealth and the State to legally carry out the aforesaid surrender and acceptance of the Northern Territory and the Parliament of the State has consented to the acquisition by the Commonwealth of the Port Augusta Railway and to the construction by the Commonwealth of the other railways in South Australia proper mentioned in this Agreement on the terms hereinbefore mentioned.

5. When any dispute or matter authorised or directed by this Agreement to be settled by arbitration shall have arisen then unless the parties hereto concur in the appointment of a single arbitrator such matter shall be referred for decision to two arbitrators one to be appointed by the Prime Minister for the time being of the Commonwealth and one by the Premier for the time being of the State and such arbitration shall be subject as nearly as practicable to the laws relating to arbitration in force in the State.

## DEFINITIONS.

In this Agreement unless the contrary intention appears—

“The Northern Territory” means so much of the State of South Australia as lies to the northward of the twenty-sixth parallel of south latitude and between the one hundred and twenty-ninth and one hundred and thirty-eighth degrees of east longitude together with the bays and gulfs therein and all and every the islands adjacent to any part of the main land within such limits as aforesaid with their rights members and appurtenances.

“The Palmerston and Pine Creek Railway” means the railway authorised to be made and maintained pursuant to the “Palmerston and Pine Creek Railway Act 1883.”

“The Port Augusta Railway” means the railway from Port Augusta to Oodnadatta authorised to be made and maintained pursuant to Acts No. 26 of 1876: No. 226 of 1881: No. 281 of 1883: and No. 413 of 1887.

“South Australia Proper” means South Australia not including the Northern Territory.

IN WITNESS whereof the Honorable Alfred Deakin (Prime Minister of the Commonwealth of Australia) for and on behalf of the said Commonwealth and the Honorable Thomas Price (Premier of the State of South Australia) for and on behalf of the said State have hereunto set their hands and seals the day and year first above written.

SIGNED SEALED AND DELIVERED by the above-  
named ALFRED DEAKIN in the presence of— } (L.S.) ALFRED DEAKIN.  
LITTLETON E. GROOM.

SIGNED SEALED AND DELIVERED by the above-  
named THOMAS PRICE in the presence of— } (L.S.) THOMAS PRICE.  
LAURENCE O'LOUGHLIN.



ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 947.

An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Three Months ending the Thirtieth day of September, one thousand nine hundred and eight.

*[Assented to, August 5th, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. Out of the General Revenue of South Australia there shall be issued and applied, from time to time, for the service of the three months ending the thirtieth day of September, one thousand nine hundred and eight, any sums of money not exceeding in the whole the sum of Four Hundred Thousand Pounds. Issue and application of £400,000.
2. No payments for any establishment or service shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the year ended the thirtieth day of June, one thousand nine hundred and eight, except so far as such rates are affected by the "Civil Service Act, 1874," or by departmental regulations. Payments not to exceed last year's Estimates.  
Exception.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.





ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

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No. 948

An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Year ending the Thirtieth day of June, one thousand nine hundred and nine.

[Assented to, October 7th, 1908.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. Out of the General Revenue of South Australia there shall be issued and applied, from time to time, for the service of the year ending the thirtieth day of June, one thousand nine hundred and nine, any sums of money not exceeding in the whole the sum of Four Hundred Thousand Pounds.

Issue and application  
of £400,000.

2. No payments for any establishment or service shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the year ended the thirtieth day of June, one thousand nine hundred and eight, except so far as such rates are affected by the "Civil Service Act, 1874," or by departmental regulations.

Payments not to  
exceed last year's  
Estimates.

Exception.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.







ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 949.

An Act to regulate the use of Passenger and other Lifts.

*[Assented to, November 11th, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Lifts Regulation Act, 1908," and shall come into operation on the first day of January, one thousand nine hundred and nine.

Short title and  
commencement.  
Vic., Act 2048, 1906,  
s. 2.

2. In this Act, except where the subject-matter or context requires a different construction—

Interpretation.  
Ibid., s. 2.

"Chief Inspector" means the Chief Inspector appointed under "The Factories Act, 1907":

"Inspector" means any inspector appointed under the last-mentioned Act, including the Chief Inspector:

"Lift" means any apparatus or contrivance within or attached to any building and driven or worked by the aid of gas, steam, hydraulic, electrical, or other power, or by hand, and constructed for and used in raising or lowering persons and goods or persons or goods only, and includes the doors or entrances of or to a lift and any machinery used for driving or working a lift:

"Owner, lessee, or occupier," where used in reference to a lift, means any owner, lessee, or occupier of the building in which such lift is in operation:

"This Act" includes the regulations made under this Act.

*Lifts Regulation Act.—1908.*

Notice of lifts to be given.

*Ibid.*, s. 3.

**3.** (1) Within sixty days from the commencement of this Act the owner, lessee, or sole occupier of a building in which there is a lift (except any lift worked by hand and exempted in writing by the Chief Inspector) shall lodge in the office of the Chief Inspector a notice in the form in the First Schedule to this Act or to the like effect.

(2) If after the expiration of such sixty days such a notice has not been filed in respect of any building within or attached to which there is a lift, every owner, lessee, or sole occupier of such building shall be deemed guilty of an offence against this Act, and no lift shall be used or worked in such building by any owner, lessee, or occupier or other person whatever.

Notification of new lifts.

*Ibid.*, s. 4.

**4.** No person shall work or use any lift constructed or completed after the commencement of this Act until at least one week after the owner, lessee, or occupier or some person on his behalf has lodged in the office of the Chief Inspector a notice in the form in the Second Schedule to this Act or to the like effect.

Entry by inspector.

*Ibid.*, s. 5.

**5.** An inspector shall from time to time inspect all lifts constructed or used or in course of construction, and for that purpose may during working hours enter any building or premises, and shall, if required by the owner, lessee or occupier, sign and deliver to him a certificate certifying the result of such inspection.

Inspector may give directions, &c.

*Ibid.*, s. 6.

**6.** (1) Where on inspecting a lift it appears to an inspector that the use of such lift would be dangerous to human life or limb, or that the regulations under this Act are not being complied with, he may give such directions in writing to the owner, lessee, or sole occupier as he thinks necessary in order to prevent accidents, or to insure a compliance with such regulations; and such owner, lessee, or occupier shall, unless notice of appeal is given as hereinafter provided, forthwith carry out such directions.

May order work to cease.

(2) Where any inspector gives any directions he may at the same or at any other time order any persons forthwith to cease using the lift until such directions or any order on appeal therefrom has been complied with.

Rescission of orders.

(3) Any order of an inspector may at any time be rescinded by him.

Appeal from inspector.

(4) The owner, lessee, or sole occupier may, on giving notice to the inspector within twenty-four hours (Sundays and public holidays not included) after such directions have been given, appeal in person to the Engineer-in-Chief or any person deputed by the Engineer-in-Chief to hear such appeal. The said Engineer-in-Chief or person shall hear and determine such appeal with all reasonable dispatch, and for such purpose shall have all the powers of a board or commission appointed or issued by the Governor, and shall by order in writing affirm, vary, or rescind such directions.

(5) Any

*Lifts Regulation Act.—1908.*

(5) Any person who—

Offence.

(a) Refuses or fails to comply with any direction given to him by an inspector in pursuance of this section or any order on appeal therefrom, or

(b) Refuses or fails to comply with any order given to him by an inspector in pursuance of this section to cease to use a lift,

shall be guilty of an offence against this Act.

(6) Any owner, lessee, or sole occupier of a building not primarily liable for the condition of a lift, and to whom an inspector has given directions in writing as hereinbefore provided in respect of such lift, and who carries out such directions and has thereby incurred any expense, shall be entitled to recover, before any Special Magistrate or two Justices of the Peace or by action in any Court of competent jurisdiction, from the person primarily liable or from the person to whom he is liable to pay rent, or to deduct from any rent payable or to become payable by him, the amount so paid by him. The production of the receipts for such payments so paid by such lessee or occupier shall, on payment of rent or rent becoming payable, be a good and sufficient discharge for the amount so paid.

Expenses incurred by direction of inspector recovered in certain cases.

(7) Where such directions in writing have been so given to any owner, lessee, or sole occupier not liable except for this Act for the condition of such lift the production of such directions in writing shall be a bar to any proceedings at law by any person whomsoever against such owner, lessee, or occupier for carrying out such directions.

Persons carrying out directions of Inspector exempt from legal proceedings.

7. No lift shall be worked or taken charge of by any person under eighteen years of age; and such person working or taking charge of any lift and any person employing him so to do shall each be guilty of an offence against this Act.

Working of lifts by young persons.  
Ibid., s. 7, altered.

8. (1) Any lift may be closed for repairs, and a notification to that effect shall be posted conspicuously on or near such lift on each floor, and if intended to be closed for at least twenty-four hours a notification to the same effect, and setting forth the repairs necessary and proposed to be effected, shall be sent to the Chief Inspector by the owner, lessee, or occupier of the building in which such lift is situate.

Closing of lifts for repairs.  
Ibid., s. 8.

(2) After such notification no owner, lessee, or occupier shall be liable to be prosecuted under this Act for the defectiveness, unsoundness, or want of conformity of such lift with the provisions of this Act during the time the lift is so closed for repairs.

(3) When the repairs have been executed and the operation of the lift has been resumed the same shall forthwith be notified by the owner, lessee, or occupier to the Chief Inspector.

9. The provisions of this Act are in addition to, and not in substitution for, any provisions of "The Factories Act, 1907."

Application of Act.

10. (1) The

*Lifts Regulation Act.—1908.*

Regulations as to  
lifts inspection, &c.  
Ibid., s. 9, altered.

**10.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which may be necessary or convenient to be prescribed for giving effect to this Act; and in particular, but without limiting the generality of this section—

- (a) As to the construction, inspection, and working of lifts; and
- (b) Prescribing the fees to be charged by inspectors to owners, lessees, or occupiers of buildings for each inspection, and for certificates of inspection if required. All such fees shall be paid into the General Revenue, and may be recovered in a summary way by any inspector.

(2) All such regulations when made by the Governor shall be published in the *Government Gazette*, and when so published shall have the force of law and shall be judicially noticed, and shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament is in Session, and if not then within fourteen days after the commencement of the next Session.

Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same shall be disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulations shall have been laid before Parliament, if Parliament shall be so long in Session: Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it, then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

Regulations un-  
challengeable unless  
quashed by Supreme  
Court.

Cf. Act 945, 1907,  
s. 142.

**11.** (1) Any person desiring to dispute the validity of a regulation may apply to the Supreme Court upon affidavit for a rule calling upon the Chief Inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said Court may make absolute or discharge the said rule with or without costs.

(3) All regulations, unless and until so quashed, shall have the like effect as if enacted in this Act.

(4) No regulation shall be challenged or disputed in any other manner.

Evidence of regula-  
tions.

**12.** The *Government Gazette* purporting to contain any regulation shall be evidence of the contents of such regulation, and that the same was duly made and published and is in force.

Offences.

Ibid., s. 10, altered.

**13.** (1) Any person who interferes with or obstructs any inspector in the execution of any power or duty conferred or imposed on him by this Act, or who does anything forbidden by this Act, or who omits to do anything required by this Act, shall be guilty of an offence against this Act.

(2) Any

*Lifts Regulation Act.—1908.*

(2) Any person upon conviction of an offence against this Act shall be liable for a first offence to a penalty of not less than Two Pounds nor more than Twenty Pounds, or to be imprisoned for any term of not more than ten days, and also for each day such offence is continued after conviction therefor to a further penalty of not more than Two Pounds or imprisonment for not more than two days, and for every subsequent offence to a penalty of not less than Five Pounds nor more than Fifty Pounds, or to be imprisoned for any term of not more than twenty-five days, and also for each day such subsequent offence is continued after conviction therefor to a further penalty of not more than Five Pounds or imprisonment for not more than five days.

14. In any proceedings under this Act the onus of proof that any person, firm, or company is not the owner, lessee, or sole occupier of a building in which a lift is in operation, or that any person is not under eighteen years of age, shall be on the defendant. Evidence.  
Ibid., s. 10.

15. All proceedings in respect of offences against this Act shall be by complaint or information, and shall be heard and determined in a summary way before any Special Magistrate or any two Justices of the Peace, under Ordinance No. 6 of 1850, and Act No. 298 of 1883-4, or any Act for the time being in force relating to the duties of Justices of the Peace as to summary proceedings. Such Magistrate or Justices may make any order as to costs which he or they think fit. All convictions and orders made by such Magistrate or Justices may be enforced as provided in the said Ordinance or in any other Act. Procedure.

16. There shall be an appeal from any decision of any Special Magistrate or Justices to the Local Court of Adelaide of Full Jurisdiction. Such appeal shall be regulated by the said Ordinance, No. 6 of 1850, and the said Act, No. 298 of 1883-4, or any Act for the time being in force relating to appeals to such Local Court. The Court on such appeal may make any order as to costs which it thinks fit, although such costs exceed Ten Pounds. Appeal.

17. (1) The Local Court may state a special case for the opinion of the Supreme Court. Special case.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to the costs of the proceedings in that Court and in the Courts below, as to the said Supreme Court appears just.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

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*Lifts Regulation Act.—1908.*

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## SCHEDULES.

S. 3.

## FIRST SCHEDULE.

“Lifts Regulation Act, 1908.”

*Notice of Lift in Operation.*

Take notice that there is on the premises [*describe premises*] a lift [*if more than one lift, state how many and in what parts of building they are situated*].

Dated at                      this                      day of                      19 .  
    [Signed] A.B., owner (lessee or occupier, or on behalf of  
    owner, &c. [*stating his name*]).

To the Chief Inspector of Factories, Adelaide.

S. 4.

## SECOND SCHEDULE.

“Lifts Regulation Act, 1908.”

*Notice of Lift in Construction.*

Take notice that there has been, or is being, constructed on the premises [*describe premises*] a lift [*if more than one lift, state how many and in what parts of building they are situated*], which will be worked on and from the [*here insert date not earlier than one week from date of notice*].

Dated at                      this                      day of                      19 .  
    [Signed] A.B., owner (lessee or occupier, or on behalf of  
    owner, &c. [*stating his name*]).

To the Chief Inspector of Factories, Adelaide.





ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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No. 950.

An Act to further amend "The Bread Act, 1891."

[*Assented to, November 11th, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Bread Act Further Amendment Act, 1908," and shall be incorporated and read as one with "The Bread Act, 1891," and "The Bread Act Amendment Act, 1893."

Short title.  
530 of 1891.  
570 of 1893.

2. In the construction of this Act, except where otherwise clearly intended, "bread" means bread other than rolls or French rolls under the weight of four ounces.

Interpretation.

3. When any person carries any bread of less than the standard weight for sale or delivery, the owner of such bread and any person employing the first mentioned person so to carry such bread, or any or either of them, shall for the first such offence forfeit and pay any sum not exceeding Two Pounds, and for every subsequent such offence forfeit and pay any sum not exceeding Ten Pounds.

Bread to be of  
standard weight

4. Any person convicted of an offence under the next preceding section may recover, in any Court of competent jurisdiction, from any person (hereafter in this section called "the defendant") who supplied the bread which was the subject-matter of the prosecution to him, the amount of any penalty in which he has been

Person convicted may  
recover from person  
who supplied to him.

*The Bread Act Further Amendment Act.—1908.*

been so convicted, together with the costs paid or to be paid by him upon such conviction, and those incurred by him in and about his defence, upon satisfying the Court that—

- (a) He was not the maker, or the master of the maker, of such bread, and
- (b) Having exercised such care as was reasonable in the circumstances, he did not know that such bread was less than the standard weight at the time when the offence was committed, and
- (c) The defendant supplied such bread to him within twenty-four hours before the time when the offence was committed:

Provided, without prejudice to any other rights or remedies of the parties, that if the Court is satisfied that it was through no act or default of the defendant that such bread was under standard weight at the time when the offence was committed, nothing shall be recovered against the defendant under this section.

Vehicle in which  
bread carried to bear  
owner's name.

**5.** (1) Every person who himself or by his servant in any street, road, or public place carries for sale or delivery any bread in any vehicle shall have conspicuously inscribed on such vehicle his true name and place of residence, and in default shall be liable for the first such offence to a penalty not exceeding Two Pounds, and for every subsequent such offence to a penalty not exceeding Ten Pounds.

(2) When in a prosecution with respect to bread of less than the standard weight carried for sale or delivery it is proved that bread was carried in a vehicle having the name of the person charged inscribed thereon it shall, until the contrary is proved, be presumed (as the case may require) that such person was the owner of such bread, or the employer of the carrier of such bread.

Inspector may stop  
persons carrying  
bread for sale or  
delivery and purchase  
bread.

**6.** It shall be lawful for any inspector of any Municipal Corporation or District Council to stop any person carrying bread for sale or delivery for the purpose of purchasing any of such bread, and if such person—

- (a) Fails to stop when required by such inspector so to do, or
- (b) After tender of the ordinary or market price thereof refuses to sell and deliver to such inspector such of the bread so carried for sale or delivery as he demands to purchase, or
- (c) In any manner impedes such inspector in the execution of his duty,

he shall for the first such offence forfeit and pay a sum not exceeding Two Pounds, and for every subsequent such offence forfeit and pay a sum not exceeding Ten Pounds.

**7.** In

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*The Bread Act Further Amendment Act.—1908.*

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7. In any prosecution under this Act, if it is proved that bread of less than the standard weight was carried, it shall be *prima facie* evidence—<sup>Evidence.</sup>

- (a) That such bread was carried for sale or delivery, and
- (b) That the person carrying such bread was the owner of such bread, or that his master or employer was such owner, as the case may require.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.





ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

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No. 951.

An Act to amend "The Scaffolding Inspection Act, 1907."

[*Assented to, November 11th, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**1.** This Act may be cited alone as "The Scaffolding Inspection Act Amendment Act, 1908"; and "The Scaffolding Inspection Act, 1907" (hereinafter called "the principal Act"), and this Act may be cited together as "The Scaffolding Inspection Acts, 1907 and 1908."

Short title.  
935 of 1907.

**2.** This Act is incorporated and shall be read as one with the principal Act.

Incorporation.

**3.** Section 3 of the principal Act is hereby amended by omitting the words "built up and fixed to a height exceeding sixteen feet from the horizontal base on which it is built up and fixed, and" in the definition of "scaffolding."

Amendment of definition of "scaffolding."  
Cf. N.Z. Act 27, 1907, s. 2.

**4.** Section 5 of the principal Act is hereby amended by inserting after the word "scaffolding" wherever it occurs the words "or gear."

Amendment of sec. 5 of principal Act.

**5.** (1) In every case where there occurs in connection with any scaffolding or gear any accident causing loss of life or serious bodily injury to any person, the owner of the scaffolding or gear shall

Accidents to be reported.  
Cf. N.Z. Act 27, 1907, s. 4.

*The Scaffolding Inspection Act Amendment Act.—1908.*

shall forthwith after the occurrence cause notice thereof to be given to the inspector, specifying the cause of the accident and the name and residence of every person killed or so injured; and, notwithstanding any provision of section 5 of the principal Act, no repairs or alterations to such scaffolding or gear shall be made after such occurrence without the permission in writing of the inspector.

(2) For the purposes of this section “serious bodily injury” means an injury which is likely to incapacitate the sufferer from work for at least one week.

(3) Every owner who neglects to give such notice as aforesaid, or makes or permits to be made any such repair or alteration without such permission as aforesaid, shall be liable to a penalty not exceeding Ten Pounds.

Inspectors to inquire  
and report.  
Ibid.

6. As soon as practicable after receiving such notice as mentioned in the next preceding section the inspector shall proceed, or cause an assistant inspector to proceed, to the place where the accident occurred, and the inspector or such assistant inspector shall thereupon inquire into the cause of the accident, and may examine the owner of the scaffolding or gear and all persons employed in or about such place, and shall report the result of such inquiry to the Minister.

Inquiry into cause of  
accident.  
W.A. Act 53, 1904,  
sec. 52.

7. (1) In the event of an accident to scaffolding or gear, or where by reason of such an accident any loss of life or serious bodily injury to any person has occurred, the Minister may direct an inquiry to be held before a Special Magistrate, together (if the Minister thinks fit) with a person skilled in the use and construction of scaffolding and gear, to be nominated by the Minister.

(2) The Special Magistrate, together with such person (if any), shall have power to hold such inquiry at such times and places as are necessary or convenient, and shall report on the cause of such accident to the Minister.

(3) With respect to the summoning and attendance of witnesses at or upon any such inquiry and the examination of such witnesses upon oath, every such Magistrate shall have all the powers which he would have or might exercise in any case under the Acts in force for the time being relating to summary jurisdiction of Justices.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

\*\*\*\*\*

No. 952.

An Act to incorporate certain Friendly Societies under  
“The Friendly Societies Act, 1886.”

*[Assented to, November 11th, 1908.]*

**W**HEREAS it is expedient to incorporate under “The Friendly Societies Act, 1886,” the several Friendly Societies in the State of South Australia enumerated in the Schedule hereto, and which societies are enrolled or established under the provisions of the Act No. 22 of 1852, intituled “An Act to regulate Friendly Societies”—Be it therefore Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as “The Friendly Societies Amendment Act, 1908.” Short title.

2. The said Act No. 22 of 1852 shall, from and after the passing of this Act, cease to apply to the societies specified in the Schedule hereto, save and except as to any offence committed, or penalty or liability incurred, or bond or security given, or proceeding taken under or in pursuance of the said Act before the commencement of this Act. All contracts and engagements by or with any of the the said societies, made under the provisions of the said Act, and which are valid and in force at the time of the passing of this Act, shall continue to be valid and in force; and all bonds and securities given before the passing of this Act by or to any trustee, treasurer, or other officer of any of the said societies shall continue and be as valid and effectual as if this Act had not been passed.

Act No. 22 of 1852 to  
cease to apply to  
certain societies.

Of. Friendly Societies  
Act, 1886, s. 1.

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*The Friendly Societies Amendment Act.—1908.*

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Incorporation of such societies.

Cf. *ibid*, s. 3.

**3.** All persons who are now or who at any time hereafter, in accordance with the provisions of "The Friendly Societies Act, 1886," become members of any society specified in the Schedule hereto shall (subject to the regulations and provisions contained in "The Friendly Societies Act, 1886") be a body corporate by the name and style by which such society is specified in the said Schedule, and the same results shall follow from such incorporation as if such society had been specified in Schedule A to "The Friendly Societies Act, 1886."

Such societies included in Friendly Societies Act, 1886.

**4.** "The Friendly Societies Act, 1886," shall be read and construed as if the societies specified in the Schedule hereto had been specified in the said Schedule A to "The Friendly Societies Act, 1886."

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



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*The Friendly Societies Amendment Act.—1908.*

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THE SCHEDULE REFERRED TO.

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The Adelaide Hebrew Benefit Society.  
Australian Natives' Association.  
Hibernian Australasian Catholic Benefit Society, Adelaide District, No. 7.  
South Australian Grand United Order of Free Gardeners.  
The Federal Friendly Benefit Society of South Australia.  
The United Daughters of Australia, Lily Lodge, No. 1.

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ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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No. 953.

An Act to provide for Irrigation and to create Boards for Reclaimed Swamp and other Lands, and to enable Loans to be made to Lessees of Reclaimed and Irrigation Areas.

*[Assented to, November 11th, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

## PART I.

PART I.

### PRELIMINARY.

1. This Act may be cited as "The Irrigation and Reclaimed Lands Act, 1908," and shall be read and incorporated with "The Crown Lands Act, 1903" (hereinafter referred to as "the principal Act"), and all Acts amending the same. Short title.

2. This Act is divided into Parts and Divisions, as follows:— Division of Act.

PART I.—Preliminary:

PART II.—Reclamation of Swamp Lands and Proclamation of Irrigation Areas:

PART III.—Management before Constitution of Board:

DIVISION I.—Improvements:

DIVISION II.—Acquisition, Tenure, and Transfer of Land:

DIVISION III.—Financial:

PART IV.—Constitution of Board and Management thereafter, and Advances:

DIVISION I.—Constitution of Board and Advances thereto:

*The Irrigation and Reclaimed Lands Act.—1908.***PART I.**

DIVISION II.—Members of Board, Incorporation, &amp;c.:

DIVISION III.—Officers of Board:

DIVISION IV.—Meetings and Business of Board:

DIVISION V.—General Powers and Duties of Board:

PART V.—Loans to Lessees:

PART VI.—Regulations:

PART VII.—Miscellaneous:

PART VIII.—Legal Procedure, &amp;c.

**Interpretation.**

**3.** In this Act, and in regulations and by-laws made and leases granted under this Act, and proceedings taken under this Act or such regulations or by-laws, except where the context or subject matter requires a different construction—

“Board” means a Board constituted under this Act:

“By-law” means a by-law made by a Board under this Act:

“Commissioner” means the Commissioner of Crown Lands of the said State, or the Minister of the Crown for the time being discharging the duties of such Commissioner:

“Embankment” means any bank or dyke constructed by the Commissioner to protect land from inundation by water from any river or the sea, or any inlet or arm of the sea:

“Factory” includes buildings, machinery, and appliances for the purpose of wine-making, fruit-preserving, or dairying, or any other purpose approved by the Commissioner:

“Gazette” means *The South Australian Government Gazette*:

“Government officer” means the member of a Board appointed by the Governor:

“Irrigation area” means an irrigation area proclaimed under this Act:

“Justice” means any Justice of the Peace for the said State:

“Land Board” means the Land Board under Part IV. of “The Crown Lands Act, 1903”:

“Lessee” includes, as well as the original lessee of the land held under a lease issued pursuant to this Act, the transferee of such lease, and the executors or administrators of such lessee or transferee:

“Prescribed” means prescribed by this Act or any Act incorporated herewith, or by regulation or by-law:

“Proclamation” means Proclamation by the Governor in the *Gazette*:

“Ratable property” means any land situate within an irrigation area other than unleased Crown lands: “Ratepayer”

*The Irrigation and Reclaimed Lands Act.—1908.***PART I.**

“Ratepayer” means the occupier or lessee of ratable property :

“Reclaimed lands” means lands reclaimed from being swamp lands :

“Regulation” means a regulation made under this Act :

“Surveyor-General” means the Surveyor-General for the said State, or the person for the time being discharging the duties of the office of the Surveyor-General :

“The Treasurer” means the Treasurer of the said State, or the Minister of the Crown for the time being discharging the duties of such Treasurer :

“This Act” includes regulations and by-laws made under this Act.

4. (1) Part I. of “The Crown Lands Act Amendment Act, 1905,” and the whole of “The Reclaimed Swamp Lands Trusts Act, 1906,” are hereby repealed. Repeal Part I. of 899 of 1905, 910 of 1906

(2) Such repeal shall not affect any authority constituted, power conferred, duty imposed, right granted or accrued, interest created, liability, forfeiture, or penalty incurred, offence committed, or any other thing done or omitted to be done under the said enactments, or any legal or other proceedings commenced or hereafter to be commenced with respect to any of such matters or things.

(3) All such matters and things are, so far as consistent with this Act, hereby preserved and continued and declared to be of the same force and effect as if the said enactments were still in force, or as if they were made or done under this Act, as the case may require ; and any Board of Trustees constituted under “The Reclaimed Swamp Lands Trusts Act, 1906,” shall continue as a Board constituted under this Act.

5. All powers conferred by this Act upon the Commissioner shall be exercised when, where, and in such manner as he thinks fit, unless otherwise expressly provided. Discretionary exercise of Commissioner's powers.

**PART II.****PART II.****RECLAMATION OF SWAMP LANDS AND PROCLAMATION OF IRRIGATION AREAS.**

6. The Commissioner may reclaim and improve any swamp lands, whether such lands are or are not at the time included or intended to be included in any irrigation area, and may construct all such embankments and other works, and do all such other things as he deems necessary for such reclamation and improvement. Reclamation and improvement of swamp lands.  
New.

7. (1) The public moneys to be expended by the Commissioner in reclaiming and improving swamp lands and lands in irrigation areas proclaimed as in this Act provided, in constructing, improving, and Provision of moneys for reclamation and improvement of lands.  
New.

*The Irrigation and Reclaimed Lands Act.—1908.***PART II.**

and maintaining embankments, and in carrying out the objects of this Act with regard to lands in such irrigation areas, shall not exceed the amount provided by Parliament for that purpose.

(2) Such moneys, and all moneys advanced to boards as provided by section 31 hereof, which have been voted by Parliament, shall be paid out of loan moneys, and shall be repaid to loan fund with interest at the rate of Four Pounds per centum per annum.

Future advances to  
Boards to be approved  
by Parliament.

**8.** No money shall be advanced to a board or spent by the Commissioner under this Act, otherwise than as provided by section 6 hereof, in any irrigation area other than the Beri Beri, Waikerie, and Ramco schemes unless a resolution approving of such irrigation area has been carried by both Houses of Parliament.

Proclamation of  
irrigation areas.

New.

**9.** The Governor may by Proclamation set apart any Crown lands as an irrigation area. Any such irrigation area may consist wholly of reclaimed or wholly of other lands, or partly of reclaimed and partly of other lands, but shall not include any embankment within the meaning of section 3 hereof.

Power to alter  
boundaries of  
irrigation areas.

New.

**10.** The Governor may from time to time by Proclamation—

(1) Withdraw any land included in any irrigation area from such area; and may, as to the whole or any part of the land so withdrawn—

(a) Proclaim it to be an irrigation area; or

(b) Include it as part of a new irrigation area; or

(c) Include it in an irrigation area then already proclaimed.

(2) Set apart any Crown lands and include the same in any irrigation area then already proclaimed.

Survey and  
subdivision into  
blocks.

New.

**11.** (1) The Commissioner shall cause the land included in any irrigation area, and the lands, if any, adjoining which are to be leased in connection therewith to be surveyed and, subject to subsection (3) of this section, to be subdivided into blocks.

Size and classes of  
land in blocks.

(2) Such blocks shall be of such size as he shall determine on the recommendation of the Land Board, and, subject as in this subsection provided, shall contain such class or classes of land as he thinks advisable. Any block may contain not more than fifty acres of reclaimed land, and may also contain not more than fifty acres of land considered by the Commissioner to be irrigable land, and may also contain any area of other land.

Reserves.

(3) The Commissioner shall set apart such parts of the land included in any irrigation area as he deems proper as Government reserves, reserves for roads, water channels, wharves, docks, commonage, and park lands, sites for towns, pumping stations, machinery and factories, and for any other purposes approved by him; and may from time to time set apart such other parts of the said land as he deems proper for any of the said purposes.

(4) The

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(4) The Commissioner may cause sites for towns to be subdivided into allotments. Subdivision of town sites.

12. A plan, signed by the Surveyor-General, of the land in any irrigation area as so surveyed, subdivided, and reserved as aforesaid, showing the subdivisions thereof, and distinguishing the several blocks by separate numbers, and the parts so reserved, shall be kept at the office of the Surveyor-General. Plan.  
New.

## PART III.

## PART III.

## MANAGEMENT BEFORE CONSTITUTION OF BOARD.

## DIVISION I.—IMPROVEMENTS.

## DIVISION I.

13. Until the constitution of a Board for an irrigation area, such area shall be managed and controlled by the Commissioner, subject always to the control of Parliament respecting the moneys to be expended on such area. Management by Commissioner.  
New.

14. The Commissioner, upon an irrigation area being proclaimed, may purchase and erect pumping machinery thereon, construct irrigation works and channels, and acquire and provide appliances and facilities for supplying water to such area, or to such part or parts thereof as he thinks expedient, and for irrigating the irrigable lands therein. Commissioner may purchase plant.  
New.

15. The Commissioner may construct roads, streets, bridges, wharves, docks, and jetties upon any irrigation area, and erect factories on any land reserved therefor. Construction of roads.  
New.

## DIVISION II.—ACQUISITION, TENURE, AND TRANSFER OF LAND.

## DIVISION II.

16. The Land Board shall, subject to the approval of the Commissioner, fix the annual rent to be paid for each block in an irrigation area. Board to fix rent.  
Act 899, 1905, s. 4.

17. Each block shall be offered on perpetual lease at a rental as hereinafter mentioned. Terms of lease.  
Ibid, s. 5.

18. Persons under eighteen years of age, and Asiatics, are disqualified from being lessees. Disqualifications as leaseholder.  
Cf. Act 830, 1903, s. 211.

19. For the purposes of this Act all the provisions of the principal Act which relate to fixing of rents, to invitations for, consideration, acceptance, or rejection of applications for leases, to allotment of lands, and to the interpretation, preparation, execution, registration, transfer, transmission, and forfeiture thereof, in so far as such provisions are not repugnant to this Act, shall apply *mutatis mutandis* to leases for blocks under this Act. Incorporation of certain provisions of Crown Lands Act, 830 of 1903.  
Cf. 899, 1905, s. 6.

20. The

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## DIVISION II.

How rent determined.

Ibid, s. 7.

Payment of rent.

Ibid, s. 8.

Rent to be paid in advance.

Ibid, s. 9.

Area of holdings.

Ibid, s. 10, altered.

Form of lease.

Dealing with unallotted lands.

Ibid, s. 11.

Repurchased lands may be leased.

Ibid, s. 12, altered.

Supply of water.

New.

Cultivation of blocks.

New.

## DIVISION III.

Accounts to be kept.

N w.

**20.** The rent for each block shall not be less than Four Pounds per centum per annum on the unimproved value of the land comprised therein and the cost of reclaiming such land and of providing pumping and irrigation channels in such block.

**21.** (1) The said rent shall be payable as follows:—

(a) For the first year one-quarter of the fixed annual rent:

(b) For the second year one-half of such rent:

(c) For the third year three-quarters of such rent:

(d) For the fourth and each succeeding year thereafter the full amount of rent as fixed under sections 16 and 20 hereof.

(2) All rents shall be due and payable in advance.

**22.** No person shall, in his own name or in the name of any other person, or either by himself or conjointly with any other person, be the holder of more than one block.

**23.** Every lease shall be granted by and in the name of the Commissioner, and shall be in the form in the Schedule to this Act, subject to any modifications or additions which the Commissioner thinks necessary for giving effect to this Act.

**24.** Any land in an irrigation area remaining unallotted for one year after being open to application at the rent fixed as aforesaid may be let at such reduced rental as is fixed by the Land Board and approved by the Commissioner, or on miscellaneous lease, as provided in section 159 of the principal Act.

**25.** Any land purchased under Part X. of the principal Act which is included in an irrigation area may, notwithstanding the provisions of such Part, and whether wholly or partially reclaimed or not, be leased under the provisions of this Act with other adjoining land.

**26.** Upon the construction, wholly or in part, of the works upon an irrigation area, and until the constitution of the Board therefor, the Commissioner may supply water to lessees of such area at such rates and upon such terms as he determines.

**27.** Lessees of blocks in an irrigation area may, before the constitution of the Board therefor, plant and cultivate their respective blocks and make improvements thereon; but it shall be lawful for the Commissioner to control such planting, cultivation, and improvements in any case where it is deemed necessary by him or any inspector or other officer he appoints for the purpose.

## DIVISION III.—FINANCIAL.

**28.** The Commissioner shall cause to be kept in respect of the Board of each irrigation area a separate account, to be called the “[Name of Board] Irrigation Account,” to which shall be debited—

(a) All



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DIVISION III.**

- (a) All moneys expended by the Commissioner in carrying out the objects and purposes of this Act on the land in such area, both before and after the proclamation of such area, including all moneys advanced as provided by section 32 hereof to the Board constituted for such area which have been voted by Parliament ;
- (b) Interest on all the said moneys at the rate of Four Pounds per centum per annum ;
- (c) Interest at the same rate on all moneys expended by the Commissioner in improving and maintaining any embankments constructed for the protection of land included in such area ;

And to which shall be credited—

- (a) Rents received from lessees of land within such area :
- (b) All moneys received by the Commissioner on account of water supplied from the irrigation works on such area :
- (c) All moneys paid by the Board, as hereafter in this Act provided :
- (d) All moneys received from the lessees of town allotments within such area.

**29.** An abstract of the accounts provided for in the next preceding section, showing the sums respectively debited and credited therein under convenient headings, shall be annually laid before Parliament.

Annual statements  
for Parliament.

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THEREAFTER, AND ADVANCES.****DIVISION I.—CONSTITUTION OF BOARD AND ADVANCES THERETO.****DIVISION I.**

**30.** When leases have been granted, pursuant to this Act, of not less than two-thirds of the blocks in any irrigation area, the Governor may, by Proclamation in the *Gazette*, constitute a Board, which shall thereafter have the control and management of such irrigation area.

Constitution of the  
Board.

New.

**31.** (1) The Commissioner may, upon and after the constitution of the Board, from time to time advance to such Board such moneys as are at his disposal for the purposes of such Board, or as are provided by Parliament therefor, or for carrying out the objects and purposes of this Act.

Advances by  
Commissioner.

New.

(2) Such Board shall be liable to the Commissioner for the repayment of all moneys so advanced, and of all moneys expended by the Commissioner in carrying out the objects and purposes of this Act in the irrigation area after the Land Board has fixed the rents of blocks

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blocks therein, as provided in section 16 hereof, with interest on all the last-mentioned moneys at the rate of Four Pounds per centum per annum up to the day of the constitution of such Board. The moneys so advanced and expended and the said interest on the moneys so advanced are hereafter in this Division of this Act referred to as "the said advances":

(3) A certificate in writing, signed by the Commissioner, or by the Commissioner of Audit, stating the amount of the said advances, shall be accepted by the Board as conclusive evidence of such amount.

**Annual repayments.**

*Cf. Act 905, 1905,  
s. 131 (2).*

*Cf. ibid, s. 135.*

**32.** The said advances shall be repaid to the Commissioner by the Board by twenty equal yearly instalments, together with interest on the amount of the said advances for the time being unpaid at the rate of Four Pounds per centum per annum, the first instalment of principal of any advance to be repaid at the expiration of five years from the date of such advance: Provided always that the Board may at any time pay off the whole or any part of the amount of the said advances then unpaid with the interest accrued due to the date of payment.

**Annual instalments  
charged on rates.**

**New.**

**33.** The said advances, together with the said interest thereon, or so much of the said advances and interest as for the time being remains unpaid, shall be a first charge upon all rates from time to time declared or leviable by, and on all property for the time being vested in or belonging to the Board, and on all land in the irrigation area.

**Procedure in case of  
default for three  
months.**

**New.**

**34.** If default is made by the Board in making payment of any such yearly instalment or interest, or any part thereof, the Commissioner may give notice to the Board or to any member or officer thereof of his intention to exercise the powers conferred upon him or his nominee by this Act if such default is allowed to continue; and if the amount then due in respect of the said advances or interest is not paid within three calendar months from the giving, posting, or delivering to the Board or any member or officer thereof of such notice, all powers of the Board in relation to receiving and recovering outstanding rates, making of assessments, and declaring, levying, and recovering of rates, shall, upon the Commissioner giving notice in the *Gazette* that such powers have become vested in him, or his nominee, as the case may be, vest in the Commissioner, or in such person as he nominates, and may at the option of the Commissioner continue so vested until the whole amount of the said advances and interest are repaid; and in such case no consent of a ratepayer to a special rate shall be required.

**Application of money  
collected by Com-  
missioner.**

**New.**

**35.** The moneys received by the Commissioner or his nominee shall be applied in paying all moneys due or owing in respect of the said advances and interest thereon, and the costs incurred in carrying out the powers vested in the Commissioner by this Act, and any surplus shall be paid to the Board.

**36. (1)** Should

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**36.** (1) Should the Board make default in payment of any of the said yearly instalments or interest on the said advances, or any portion or portions thereof, for one year, it shall be lawful for the Governor, by a Proclamation in the *Gazette*, to determine the existence of the Board, and thereupon the Commissioner may resume possession and absolute control and management of the irrigation area, together with all machinery, plant, chattels, and appliances thereon or appurtenant thereto and belonging to the Board, and the same as well as any land vested in the Board, and any other property of the Board, shall thereupon vest absolutely in the Commissioner.

Procedure in case of default for one year.

New.

(2) The Governor may at any time thereafter, by Proclamation in the *Gazette*, constitute a Board, which shall have the control and management of such irrigation area, and the same results shall follow therefrom as from the constitution of the original Board.

## DIVISION II.—MEMBERS OF BOARD, INCORPORATION, ETC.

## DIVISION II.

**37.** The Board shall consist of five members, and shall be a body corporate under the name of "The Irrigation Board," and shall have perpetual succession and a common seal, and by such name shall be capable of suing and being sued, and of purchasing, holding, and leasing land, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

Constitution of Board.  
Act 910, 1906, s. 9, altered.

**38.** (1) The Governor shall appoint the members of the Board to hold office for the first twelve months after the constitution of the Board.

Appointment of Board.

Ibid, s. 11, altered.

(2) The members to hold office after the expiration of such twelve months shall be appointed and elected as follows:—

(a) The Governor shall appoint one member, who shall be a Government officer and be Chairman of the Board, and shall hold office during the pleasure of the Governor, and not be subject to retirement by effluxion of time:

(b) All other members of the Board shall be ratepayers within the area, and shall be elected by the ratepayers from time to time, as hereinafter provided:

(c) The elected members shall retain office until the election of their successors, as hereinafter provided.

(3) The Governor may appoint one of the members to be chairman of the Board for the first twelve months after the constitution of the Board.

**39.** The Governor may appoint two auditors to the Board, who shall retain office until the election of their successors, as hereinafter provided.

Auditors.

Ibid, s. 11.

**40.** Every

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## DIVISION II.

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Who may be members  
of Board.

*Ibid*, s. 12, altered.

**40.** Every ratepayer in the irrigation area, having attained the age of eighteen years, shall be qualified to be a member of the Board, but shall be disqualified if he—

- (a) Is an uncertificated insolvent, or executes a statutory deed of assignment for the benefit of his creditors, or compounds with his creditors for less than Twenty Shillings in the Pound:
- (b) Holds the office of treasurer, auditor, or a place of profit in the gift of the Board:
- (c) Is pecuniarily interested in a contract with the Board:
- (d) Is in arrear for six months or more in payment of any rent or rates in respect of the land leased by him.

How vacancy  
occasioned.

*Ibid*, s. 13, altered.

**41.** The following acts and events shall cause a vacancy in the office of a member of the Board:—

- (a) Death or lunacy:
- (b) Conviction of felony:
- (c) Absence from the State, without leave of the Board, during the holding of three consecutive ordinary meetings, or failure to attend the meetings of the Board for three consecutive ordinary meetings without sufficient cause, followed, in either case, by a resolution passed by the Board within three weeks after the last of such three meetings declaring the office vacant, which resolution the Board may pass, but are not bound to pass:
- (d) Any disqualification, as indicated by the next preceding section:
- (e) Resignation, by notice posted or delivered to the chairman, or if there is no chairman, to the Commissioner:
- (f) Retirement by rotation, as provided by this Act:
- (g) The judgment or order of any duly authorised Court or Justices declaring the office vacant.

The above-mentioned acts and events (except those in subdivision (c) and those in subdivision (d) so far as they include the holding of the office of auditor) shall cause a vacancy in the office of an auditor.

Time of elections.

*Ibid*, s. 14.

**42.** (1) At the expiration of the first twelve months from the constitution of the Board, and at the expiration of each twelve months thereafter, and subject to the provisions of subsection (a) of section 38 hereof, an election of members and auditors shall be held.

(2) At the expiration of such first twelve months, and at the expiration of each twelve months thereafter, one-half of the members of the Board (other than the Government officer) shall retire.

(3) The members to retire at the expiration of such first twelve months shall be decided by lot. The members to retire at the  
expiration

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expiration of every subsequent twelve months shall be those who have been longest in office without re-election, and, when the number so ascertained does not equal one-half, lots shall be drawn between those who have been an equal time in office without re-election to decide which of them shall retire, and the retirement shall take place accordingly.

(4) At the expiration of such first twelve months, and at the expiration of each twelve months thereafter, one auditor shall retire from office. The auditor to retire shall be the one who has held office the longest without re-election, and if both have so held office for the same length of time the auditor to retire shall be decided by lots to be drawn by the chairman.

(5) All drawing of lots to decide retirements shall be made fourteen days at least before the day of election.

**43.** Within three months before any election of members of the Board or of an auditor—

Lists of lessees in arrear, with rents and rates, to be posted at polling-places.

(a) The Commissioner shall send to the Government officer a list of all lessees of land in the irrigation area who are six months or more in arrear in payment of any rent, and stating the amounts of such arrears, a copy of which list the Government officer shall cause to be posted in a conspicuous place at every polling-place in the area :

New.

(b) The Board shall cause a list of all lessees who are in arrear in payment of any rates declared six months or more before the date of such election, and stating the amounts of such rates, to be posted in a conspicuous place at every polling-place in the area.

**44.** (1) The first members of the Board shall, by regulation, prescribe the manner in which elections of members (other than the Government officer) and auditors shall be held.

Elections.

Act 910, 1906, s. 15, altered.

(2) Every ratepayer of the full age of eighteen years whose name at the time of an election of members or of an auditor appears on the roll of lessees, as provided by section 61 of this Act, may, subject to subsection (4) hereof, vote at such election.

(3) In case of joint tenancy or tenancy in common in respect of any ratable property, only the first of the joint tenants or tenants in common of such property who tenders his vote shall be entitled to vote.

(4) No lessee whose name appears in either of the lists provided for by the next preceding section shall be qualified to vote or shall vote at such election unless he produces to the presiding officer a proper receipt for the amount of rent or rates appearing on such list, as the case may be.

(5) Any lessee may object to any person disqualified as mentioned in the next preceding subsection being allowed to vote.

(6) The election shall not be invalid by reason of—

(a) The non-posting of either or both of the said lists :

(b) The

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(b) The accuracy of either or both of such lists:

(c) The fact that any lessee whose name appears on either or both of such lists is improperly allowed to vote.

Effect of abolition  
and suspension.

Ibid, s. 16.

**45.** (1) When the powers and functions of a Board are for any reason suspended, or the Board is abolished, the Governor may, by Proclamation, authorise the Commissioner to exercise all the powers, authorities, functions, and duties of the Board abolished, or whose functions are suspended, until such suspension ceases or a new Board is constituted, as the case may be.

Property to vest in  
Commissioner.

Ibid, s. 17.

(2) Thereupon all property, real and personal, and all obligations, authorities, immunities, rights, powers, privileges, functions, and duties vested in or imposed upon the Board, by any means whatsoever, shall be transferred to and vested in the Commissioner while the powers and functions of the Board are suspended, or until a new Board is constituted, as the case may be.

Failure of elections.

Ibid, s. 18.

**46.** Upon failure by the first members of the Board to prescribe regulations, as required by section 44 hereof, or when an election wholly or in part fails to be made as provided by this Act, or such election, being made, afterwards becomes wholly or in part void, the Governor may appoint the members and auditors of the Board required to be elected.

Notice of election to  
be given to each  
person elected, and to  
be inserted in *Gazette*.

Ibid, s. 19.

**47.** The Board shall, within forty-eight hours after the election of any member or auditor, cause to be delivered or posted to such person a notice informing him of such election, and within fourteen days of such election shall insert a notice thereof in the *Gazette*.

Where Board fails to  
hold election, Justice  
or Special Magistrate  
to hold the election.

Ibid, s. 20.

**48.** If the Board fails to proceed to an election for the space of twenty-one days from the day on which such election is required by this Act to be held a Justice or Special Magistrate may, upon the request in writing of three lessees of the irrigation area, do every act required to be done for holding such election.

Governor may appoint  
member at any time.

Ibid, s. 34.

**49.** The Governor may appoint any new member to the Board in place of any member theretofore appointed by him.

Board to arrange  
elections.

Ibid, s. 35.

**50.** The members of the Board shall do all necessary acts, matters, and things prior to the date when their term of office will expire to obtain nominations for members and auditors, and if the nominations exceed the number of members or auditors required, shall cause, on the date when they retire from office, an election to be held to determine which of the persons nominated shall be the members and auditors for the next ensuing year.

Determination of  
office of elected  
member.

Ibid, s. 36.

**51.** In the event of any vacancy occurring in the office of any elected member or auditor, a new member or auditor may be appointed to fill such vacancy by a majority of the members present at any meeting.

**52.** When

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**52.** When from any reason the business of a Board is not carried on, or the business and works connected with the irrigation area is neglected, the Governor may declare the offices of all the members vacant, and thereupon, by Proclamation, appoint new members of such Board, but such new members shall hold office only during such time as the members whose offices are so declared vacant would have held office.

Governor may declare offices vacant.

*Ibid*, s. 37.

## DIVISION III.—OFFICERS OF AN IRRIGATION BOARD.

## DIVISION III.

**53.** Any Board may appoint all such officers to carry out the purposes of this Act as they think proper and necessary, and may pay such salaries and allowances as they deem reasonable.

Board may appoint officers.

*Ibid*, s. 21.

**54.** No member of the Board shall hold any office to which the Board has the power of appointment.

Member not to be officer under Board.

*Ibid*, s. 22.

**55.** No member of the Board or officer shall be concerned or interested in any contract made by the Board.

Member or officer not to be interested in contract.

*Ibid*, s. 23.

**56.** Every person employed by the Board shall render to the Board, within such time and manner as they direct, true and faithful accounts, in writing, of all moneys received or expended by him on account of the Board, and of all moneys due by any person to the Board, and on what account the same are due.

Officer to render accounts.

*Ibid*, s. 24.

## DIVISION IV.—MEETINGS AND BUSINESS OF AN IRRIGATION BOARD.

## DIVISION IV.

**57.** The chairman shall have a casting as well as a deliberative vote.

Vote of chairman.

*Ibid*, s. 26.

**58.** In the absence of the chairman from any meeting or part of a meeting from any cause one of the members shall be elected by those present to be acting chairman during the absence of the chairman.

Acting chairman may be appointed.

*Ibid*, s. 27.

**59.** (1) Ordinary meetings of the Board may be held after three days' written notice thereof given to the members by the secretary, or if there is for the time no secretary, then by the person performing the duties of secretary.

Ordinary meetings.

*Ibid*, s. 28.

(2) Any special or extraordinary meeting may be called by the chairman, or any two members, giving the like notice in writing thereof to the other members.

Extraordinary meetings.

*Ibid*, s. 29.

**60.** Any three members of the Board shall form a quorum for the transaction of business.

Quorum.

*Ibid*, s. 30.

**61.** (1) The Board shall cause a roll to be kept of all lessees holding lands within the irrigation area, setting forth the areas and positions of such lands. Subject to the provisions of section 44 hereof, such roll shall be the electors' roll for the purpose of all elections of members of the Board and of auditors.

Roll of lessees.

*Ibid*, s. 31.

(2) Such

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## DIVISION IV.

Alteration of roll.

Ibid, s. 32.

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(2) Such roll may be altered or added to at any meeting of the Board, and a revised roll shall be compiled once at least in every year.

## DIVISION V.

Works and lands to be vested in the Board.

New.

## DIVISION V.—GENERAL POWERS AND DUTIES OF A BOARD.

**62.** Upon a Board being constituted for any irrigation area, all roads, streets, commonage lands, and other reserves within the area, and all irrigation and public works and factories, with the plant appertaining thereto, and all improvements made or constructed by the Commissioner under the authority of this Act, shall, subject to the provisions of this Act, vest in and be under the control of the Board, with the exception of embankments and Government reserves and any works, buildings, or improvements on such reserves.

General powers of Board.

Act 910, 1906, s. 39, altered.

**63.** The Board, in addition to all other powers, shall have and may exercise the following powers and authorities within the irrigation area:—

To make drains, &amp;c.

i. To do all necessary acts, matters, and things for the making, construction, improving, altering, cleansing, repairing, widening, deepening, diverting, or extending any channel, drain, or watercourse, or any bank or defence against waters except an embankment:

To erect buildings, &amp;c.

ii. To erect all necessary buildings, factories, bridges, irrigation works, and machinery, roads, ways, wharves, docks, and jetties, and to maintain, alter, or discontinue the same: Subject as regards wharves, docks, and jetties to the approval of any Marine Board or Harbor Trust or other similar body having authority over the same under any Act for the time being in force:

To break up soil, &amp;c.

iii. To break up, and, if necessary, remove the soil of any road, way, bank, dam, or footpath:

To excavate trenches.

iv. To excavate and sink trenches for the purpose of laying down, making, and constructing channels and drains:

To connect drains.

v. To cause channels and drains to communicate with any stream or watercourse within or without the limits of the irrigation area: Provided that no opening through or under any embankment may be made without the consent in writing of the Commissioner:

To remove earth, stone, and clay.

vi. To enter by themselves or by their officers or agents upon any lands within the irrigation area for the purpose of inspecting or removing any earth, stone, or clay therefrom, and of making, constructing, and diverting drains, channels, and watercourses, and of regulating the supply of water to any block, or to any person, or by any drain, channel, or watercourse, or for any of the purposes of this Act:

To dig or bore.

vii. To enter themselves, or by their officers or agents, upon any lands or premises whereon or wherein it is proposed to execute



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execute any works, and on land adjacent thereto, and, if necessary, to dig or bore therein :

- viii. To examine any weir, sluice, or floodgate within or without the area erected in or upon or adjacent to any river, stream, sea, inlet, or arm of the sea, lake, channel, watercourse, or other water ; and, subject to the proviso to subdivision v. of this section, to open or raise any floodgate or sluice within or without the area for any purpose whatever : To examine and open sluices and floodgates.
- ix. To use adjacent lands for making temporary roads or approaches to any work : To use adjacent land.
- x. To do all acts, matters, and things, and execute and carry out works of any kind having for their object the betterment of the irrigation area, or to secure the health, comfort, or convenience of the lessees occupying lands therein : To execute all works for the betterment of the area.
- xi. To levy rates on all ratable property in the irrigation area : To levy rates.
- xii. To raise special loans for irrigation works, and levy a special rate for making necessary tanks, channels, or watercourses, or repairs thereto, or any other incidental work : To raise a loan by special rate.
- xiii. With the consent of the Commissioner, to borrow moneys in anticipation of its current revenue from any bank, by way of overdraft, provided that such overdraft shall not exceed in amount the income of the preceding year : To borrow money from a bank.
- xiv. To borrow money from the Commissioner for the general purposes of the Board out of funds at his disposal for advances : To borrow money from the Commissioner.
- xv. To enter into contracts for effecting the purposes of this Act : To enter into contracts.
- xvi. To regulate and control all drainage waters in the main channels and drains : To regulate waters.
- xvii. To equip, manage, and conduct factories, and buy and sell the produce of the irrigation area : To equip factories.
- xviii. To regulate the height at which water may or shall be maintained in any channel or drain. To regulate height of water.

64. (1) The Board shall have and exercise within the irrigation area all the duties, jurisdiction, powers and authorities imposed upon and vested in a District Council under "The District Councils Act, 1887," and any other Act for the time being in force in the said State, and also all such duties, jurisdiction, powers, and authorities, not inconsistent with this Act, as are declared by Proclamation by the Governor. Board to have all the powers of a District Council.

*Ibid*, s. 40, altered.

(2) Ratepayers within the meaning of this Act shall have all the powers and privileges conferred upon ratepayers under "The District Councils

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Councils Act, 1887," and any other Act for the time being in force in the said State.

Incorporation of certain provisions of Act No. 419 of 1887 New.

**65.** (1) For the purposes of this Act, all the provisions of "The District Councils Act, 1887," and any Acts amending or substituted therefor, which relate to—

- (a) The jurisdiction, duties, powers, and authorities of District Councils:
- (b) The duties, powers, and privileges of councillors, and all elective officers:
- (c) The appointment, dismissal, duties, powers, and privileges of officers and servants appointed or employed by a Council:
- (d) Assessments, and appeals therefrom:
- (e) Rates and ratepayers:
- (f) Meetings and elections:
- (g) Income and expenditure:
- (h) Evidence, procedure, and forms:

but in so far only as such provisions are not inconsistent with or repugnant to this Act, are incorporated *mutatis mutandis* in this Act.

Interpretation of certain words in incorporated provisions. New.

(2) In particular the following words occurring in such incorporated provisions shall, for the purposes of this Act, have the meanings hereby assigned to them, namely—

"District" means Irrigation Area:

"District Council" means Board:

"Councillor" or "member of the Council" means member of the Board:

"Owner" means lessee.

Jurisdiction and powers of District Councils excluded. New.

**66.** No District Council shall have or exercise any power, jurisdiction, authority, or control within the irrigation area after the constitution of the Board.

Adjustment of property, rights, and obligations. New.

**67.** (1) If the land included in the irrigation area or any part of such land was prior to the constitution of the Board situate within a District Council or Municipality (hereinafter in this section called "local government area"), the property, rights, and liabilities of such local government area and of the council of such local government area (hereinafter called "local authority") which are vested in, appertain to, or are imposed upon such local government area or local authority by virtue or by reason or in respect of the said land or part shall, upon the constitution of the Board, devolve upon and become vested in, appertain to, and imposed upon the irrigation area and the Board.

(2) If

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(2) If the said local authority and the Board cannot agree as to what property, rights, and obligations become vested in, appertain to, and imposed upon the Board, in accordance with subsection (1) of this section, the matter shall be decided by arbitration by two arbitrators, one to be appointed by the local authority and the other by the Board, and an umpire, to be chosen by the two arbitrators before they enter upon the reference.

**68.** The roll to be kept under section 61 of this Act shall be deemed to be the ratepayers' roll for any purpose of rating, or any matter connected therewith; and, if there is no revised roll, the then existing roll shall for all purposes be deemed the ratepayers' roll.

Roll to be ratepayers roll.

Act 910, 1906, s. 41.

**69.** The Board shall supply and distribute water for the irrigation of the irrigation area and the use of the inhabitants thereof, at such rates and charges as are approved by the Commissioner; and may supply and distribute water to other persons who own or occupy land adjacent to the irrigation area in such quantities and at such rates as are agreed upon by the Board and such persons; but the Board shall not be liable to any penalty or damage for not supplying or distributing water if the want of supply arises from drought, low river, scarcity of water, or from any unavoidable cause or accident.

Board to supply and distribute water.

New.

**70.** All such rates for water declared by the Board shall be declared upon the basis of area, irrespective of improvements upon the land, and so that the total rates in any one year shall be at least equal to a sum sufficient to cover the annual expenses of the Board, and also all moneys for the time being payable to the Commissioner in pursuance of the provisions of section 32 of this Act.

Rates to be declared on the basis of area.

New.

**71.** Except in respect of town lands, for the purpose of computing the rates, a fractional part of a rood, if equal to or exceeding twenty perches, shall be deemed to be a rood; but if less than twenty perches, shall not be taken into account.

Assessment of fractional parts of roods.

New

**72.** If any land within the irrigation area is not, as to the drainage of surface and storm water, drained by some efficient drain communicating with some watercourse or drain used under the authority of this Act, the Board may construct through any land lying between the first-mentioned lands and the nearest such watercourse or drain an efficient drain suited for draining therefrom and from the intermediate lands such surface and storm water as aforesaid, but so that such drain shall not pass through or under any house, building, or other like structure.

Board may drain surface and storm water.

Act 910, 1906, s. 42.

**73.** (1) All costs and expenses incurred in constructing such drain shall be apportioned by the Board among the ratepayers deriving any benefit therefrom, so far as possible in proportion to such benefit, and shall be repaid by such ratepayers after notice in that behalf by the Board; and the same, if not paid, may be sued for and recovered as a debt due to the Board.

Owners benefited thereby to pay cost.

Ibid, s. 43.

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(2) If any dispute arises between the Board and ratepayers or between ratepayers as to the correctness of such apportionment, the matter shall be decided by the Commissioner, whose decision shall be final.

Power to reduce water in low-lying land and apportion cost.

New.

**74.** The Board may, by pumping or otherwise, reduce the water in any low-lying land within the irrigation area to such level as they deem proper, and shall apportion the costs and expenses of so doing among the ratepayers of all reclaimed land within the area in such proportions as they deem fair and reasonable.

**PART V.****PART V.****LOANS TO LESSEES.**

Constitution of Lessees of Reclaimed Lands Loan Fund.

Act 910, 1906, s. 44.

**75.** (a) A fund is hereby constituted, to be called the "Lessees of Reclaimed Lands Loan Fund," and shall consist of such moneys as Parliament provides for the purposes of loans to lessees under this Act.

(b) Such moneys shall be set apart for such purpose, and shall be under the control of the Commissioner.

Principal moneys repaid to form part of fund, but interest to be paid into the revenue.

Ibid, s. 45.

**76.** All moneys received by the Commissioner in repayment of any such advances to lessees shall be placed to the credit of the said fund, and form part thereof. Moneys received as interest shall be paid to the Treasurer in aid of the general revenue of the State.

Commissioner to keep accounts.

Ibid, s. 46.

**77.** The Commissioner shall keep accounts showing all operations on the said fund, as well as all moneys paid to and received from each lessee to whom any advances are made under this Act.

Advances.

Ibid, s. 47.

**78.** Advances may be made by the Commissioner out of the said fund to assist lessees who have observed and performed the covenants and conditions of their leases to the satisfaction of the Commissioner—

1. In erecting or completing permanent buildings, and making permanent improvements on their lands:
11. In the making of improvements which permanently increase the capital value of the land.

Nature of improvements.

Ibid, s. 48.

**79.** Such last-mentioned improvements may consist of grubbing the land or fencing the same, erecting or making thereon permanent water improvements, such as drains, dams, wells, tanks, watercourses, windmills, and the like.

Conditions of advances.

Ibid, s. 49.

**80.** (1) Advances under subsection 1. of section 78 shall not exceed one-half of the cost to the lessee of the permanent buildings and other permanent improvements (if any) which are then subsisting, in good repair and condition, on his block.

(2) Advances under subsection 11. of section 78 shall not exceed one-half the value of the improvements.

(3) The

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(3) The amount owing to the Commissioner by any lessee for moneys advanced under the said section, with interest, shall not at any time exceed in the whole One Hundred and Twenty-five Pounds.

**81.** Every application for an advance shall be made in writing to the Commissioner; and be Applications.  
Ibid, s. 50.

- i. In a form prescribed by the Commissioner; and
- ii. Supported by—
  - (a) The report of the Surveyor-General, or other authorised officer, and
  - (b) Vouchers, statutory declarations, and other evidence showing the cost of and condition of the permanent buildings and other permanent improvements (if any), and
  - (c) Such other evidence as the Commissioner requires.

In computing the cost the labor of the lessee may be taken into account.

**82.** (1) Every lessee, on obtaining such an advance, shall enter into an agreement with the Commissioner in such form as prescribed, and such agreement may contain such additional terms and conditions as the Commissioner thinks necessary. Agreement to be  
executed by lessee.  
Ibid, s. 51.

(2) The lessee shall deliver up his lease to the Commissioner, to be held by him, and for indorsement thereon of the particulars of the advance. Upon production of the lease, with such indorsement signed by the Surveyor-General, the Registrar-General shall enter such particulars on the Register Book under "The Real Property Act, 1886." 380 of 1886.

**83.** All moneys so advanced to any lessee shall be repaid to the Commissioner by twenty equal annual instalments, together with interest on the amount for the time being unpaid at the rate of Four Pounds per centum per annum, the first instalment of principal to be paid at the expiration of five years from the date of such advance: Provided that the lessee may pay the whole or any portion of the amount advanced at any time prior to the expiration of the time agreed or prescribed for payment. Moneys, how repaid.  
New.

**84.** Any breach by the lessee of any of the terms or conditions of such agreement shall be deemed a breach of the conditions of his lease, and shall render such lease liable to be cancelled and forfeited, or, at the Commissioner's option, to be sold and transferred, in the same manner as Crown leases when rent is in arrear. Breach of agreement  
to render holding  
liable to forfeiture.  
Act 910, 1906, s. 53.

**85.** In cases of hardship the Commissioner may extend the time for making any payment on account of any such advance: Provided that the deferred payments shall bear interest at the rate of Five Pounds per centum per annum. Extension of time for  
repayment.  
Ibid, s. 54.

**86.** While

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Lessee not to remove  
destroy, or injure  
improvements.

*Ibid*, s. 55.

**86.** While any principal or interest moneys remain owing by any lessee in respect of such advances the lessee shall not pull down or remove, or suffer to be pulled down or removed, or alter, or destroy, damage, or injure, or suffer to be altered, destroyed, damaged, or injured, any permanent building, erection, or fence, or any drain, dam, embankment, windmill, or other water improvement erected or made upon the land comprised in his lease, without the consent in writing of the Commissioner thereto.

Mortgages, &c., sub-  
sequent to advance to  
be void.

*Ibid*, s. 56.

**87.** When any lessee has obtained such an advance, no sub-lease, mortgage, or other encumbrance subsequently executed by him shall have any validity until such advance, and all interest in respect thereof, are fully repaid and satisfied.

**PART VI.****PART VI.****REGULATIONS.**

Regulations.

*Ibid*, s. 57, altered.

**88.** The Governor may, as to any or all irrigation areas proclaimed under this Act, from time to time, make, alter, and rescind all such regulations as appear necessary or advisable, for regulating—

- (a) The duties, powers, authorities, and privileges of all persons employed in the administration of this Act:
- (b) The meetings and proceedings of Boards and of ratepayers:
- (c) The supply and distribution of water upon irrigation areas, and the charges therefor:
- (d) The management of irrigation areas, and all improvements thereon, and the employment, duties, and privileges of lessees and occupiers of the land until the constitution of Boards:
- (e) The making and dealing with applications, fixing of boundaries, areas, rents, and purchase-money, and the making of surveys:
- (f) The form and contents of notices, applications, leases, licences, and all other instruments and documents, and the mode of executing, serving, or delivering the same:
- (g) Elections:
- (h) The making of assessments, and the declaring and recovery of rates:
- (i) Transfers, transmissions, and forfeitures:
- (j) The imposing of penalties:
- (k) The time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which no time or procedure is provided, is to be done or performed:
- (l) The subjects upon which the Boards may make by-laws, and their confirmation by the Governor, and publication:

(m) Fees

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(m) Fees to be paid and charges to be made:

(n) The income and expenditure of Boards:

(o) All other matters and things arising under and consistent with this Act not herein expressly provided for, and for otherwise fully and effectively carrying out and giving force and effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof:

(p) Penalties for breaches of any such regulations, and additional penalties for a repetition or continuance of such breach: Provided that the penalty for any single breach shall not exceed in any case Twenty Pounds, nor for any continuance Two Pounds for each day of such continuance.

**89.** (1) All such regulations shall be published in the *Gazette*, and shall thereupon have the force of law.

Regulations to have force of law, and to be laid before Parliament.

(2) All such regulations shall be laid before both Houses of Parliament within fourteen days after the publication thereof, if Parliament is in Session at the expiration of such fourteen days, and if not, then within fourteen days after the next Session of Parliament begins; and if, within thirty days after the laying before Parliament of any such regulation, either House of Parliament passes a resolution objecting thereto, the same shall (so far as so objected to) thenceforth cease to have the force of law, and notice of such resolution shall forthwith be published in the *Gazette*.

Ibid, s. 58.

(3) The *Gazette* containing any such regulation purporting to be made by the Governor by virtue of this Act shall be conclusive evidence of the valid making and of the contents thereof, and the *Gazette* containing a notice of a resolution being passed by either House of Parliament objecting to any such regulation shall be conclusive evidence of the passing of such resolution and of the contents thereof.

*Gazette* evidence of regulations.

**90.** Any Board may make, alter, and rescind such by-laws as are necessary or convenient for carrying out any of the provisions of this Act in its irrigation area, and for the following purposes:—

By-laws made by Boards.

Ibid, s. 59, altered.

- i. To regulate the manner of calling and holding meetings of the Board and committees thereof, and the quorum of such committees:
- ii. To regulate the forms and places of posting or manner of publication of public notices to be published by the Board:
- iii. To regulate elections and the appointment of officers or other persons to carry out the provisions of this Act in relation to elections:

iv. To

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- iv. To regulate the appointment, duties, and control of all or any officers or servants of the Board, and the times and modes of payment of their salaries, fees, and wages:
- v. To fix or regulate the securities to be taken from, or on behalf of, or to secure the fidelity of any officer or servant:
- vi. To regulate the making of assessments and the making or declaring of rates:
- vii. For the appropriation and expenditure of the revenue of the Board:
- viii. For the punishment of persons falsely representing themselves to be officers of or appointed by the Board:
- ix. For the more effectual exercise of the powers and discharge of the duties and liabilities hereby conferred and imposed on the Board:
- x. To require owners and occupiers to fence supplies of water:
- xi. To regulate the irrigation water supply and the flow of irrigation and drainage waters into, in, or through any channel, flume, or pipe, and the disposal of such waters:
- xii. To fix fees and charges:
- xiii. To fix pecuniary penalties for offences against or breaches of such by-laws, or any of them, and to fix additional penalties for a repetition or continuance of any offence or breach: Provided that no penalty for any single offence or breach shall exceed Twenty Pounds, nor for any continuance Two Pounds for each day of such continuance:
- xiv. For any other purpose arising under and consistent with this Act not herein expressly provided for, and for otherwise fully and effectually carrying out and giving effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof.

By-laws to be passed  
by three-fifths of  
members in office.

Ibid, s. 60.

**91.** (1) At least three-fifths of the members then in office shall be present at the meeting of the Board to pass any by-law.

(2) No by-law shall be of any force until signed by the chairman and secretary, and confirmed by the Governor, and published in the *Gazette*.

(3) After the expiration of one month from such publication, a by-law shall have the force of law, and shall, until altered or repealed, have effect within the irrigation area as if such by-law were part of this Act: Provided that in case of any conflict between any by-law made by any Board and any regulation made by the Governor the regulation shall be held to prevail.

**PART**



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## PART VII.

## PART VII.

## MISCELLANEOUS.

**92.** All water required by the Commissioner for the purposes of this Act may be taken from the River Murray, or any other river, or from any creek, stream, lagoon, or other water within any irrigation area; and all water required by any Board for such purposes may be taken from the River Murray, or any other river, or from any creek, stream, lagoon, or other water within the irrigation area of such Board.

Water may be taken from River Murray or other water.

New.

**93.** Every Board shall cause all watercourses, channels, or drains within its irrigation area to be kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and maintained in proper order; and any Board making default in any of such matters shall be liable to the occupiers of land for any damage thereto in consequence of or through the disrepair of any such watercourse, channel, or drain.

Board to clean watercourses, &c.

Act 910, 1906, s. 61.

**94.** (1) Nothing in this Act shall render any Board, or the Commissioner, or the Government of the said State liable for damages consequent upon insufficiency of water, or for injury to any land or other property which happens through or by such insufficiency, or through or by flood waters or the overflowing of any river.

No liability in certain cases.

Ibid, s. 62.

(2) Nothing in this Act shall render any Board liable for injury happening through or by the breaking of any dam, bank, watercourse, channel, drain, or sluice, unless such injury arises through neglect to keep such dam, bank, watercourse, channel, drain, or sluice in repair, and unless the occupier of the land or property injured had given written notice to the Board warning them of the probability of such injury, and the Board has neglected within a reasonable time thereafter to make any reasonable repair of such dam, bank, watercourse, channel, drain, or sluice; and in such case the remedy shall be only against the Board and the funds thereof, and not against the individual members.

No liability except for neglect to repair.

Ibid.

**95.** (1) Whenever any irrigation area is subdivided into other irrigation areas, enlarged, or curtailed, as mentioned in section 10 hereof, or is abolished, the Governor may appoint some person to hold an inquiry and make an award apportioning the real and personal property, and the debts, liabilities, and engagements of the Board of such irrigation area as may be deemed advisable by such person.

Abolition or alteration of area.

Ibid, s. 63.

(2) Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested, and by whom any moneys shall be paid, or other acts or things done, including the payment of any costs of the inquiry, and may give such directions as may be necessary to give effect to the inquiry.

Award on.

Ibid, s. 64.

**96.** Every such award shall be final, and shall, from the date thereof, have the operation of and be enforceable as if it were a judgment of the Supreme Court.

To be final.

Ibid, s. 65.

**97.** Nothing

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Creditors' rights preserved.

Ibid, s. 66.

**97.** Nothing in the three immediately preceding sections shall in any way affect the rights or interests of any creditor of any Board, or shall relieve the ratepayers for the time being in any irrigation area from their liability to pay any special rate made under the provisions of this Act for a security for any advance.

## PART VIII.

## PART VIII.

## LEGAL PROCEDURE, ETC.

*Gazette* to be evidence.

**98.** The production of the *Gazette* in which is published any Proclamation, regulation, by-law, notice, appointment, or other notification, made or given, or purporting to be made or given, pursuant to this Act, shall be conclusive evidence in all Courts and before all tribunals that such Proclamation, regulation, by-law, notice, appointment, or notification was duly made or given and is of full force and effect, and of the contents thereof, and of the matters stated, recited, or assumed therein.

Proclamation valid for all purposes.

Act 910, 1906, s. 69.

**99.** No Proclamation shall be invalid by reason of anything required as preliminary thereto not having been done, or not having been duly done.

Documents of Board, how verified.

Ibid, s. 70.

**100.** Every notice, document, or other writing requiring to be authenticated by any Board may be sufficiently authenticated without the common seal of the Board, if signed by the chairman, by two members of the Board, or by the secretary.

Service of notices.

Ibid, s. 71.

**101.** Service of any document may be effected by giving the same personally to the chairman or secretary, or leaving it at the office of the Board with any person employed therein.

Seal of Board to prove itself.

Ibid, s. 72.

**102.** The corporate name of every Board shall be part of the seal of such Board, and judicial notice shall be taken of such seal by every Court and tribunal, and such seal shall be kept at the office of the Board.

Offences.

Ibid, s. 73.

**103.** The failure of any person to do any act, matter, or thing, when required so to do by any Board under the powers vested in them by this Act, shall be an offence against the provisions of this Act.

Penalty where none specified.

New.

**104.** Any offence against this Act for which no punishment is specified shall be punishable by a penalty of not exceeding Twenty Pounds.

Who may lay informations, and hearing of same.

Act 910, 1906, s. 74.

**105.** (1) All proceedings may be had and taken, and all complaints and informations may be laid, for any offence against this Act, at the instance of any person; and all complaints and informations shall be heard and determined, and all moneys, costs, and expenses shall be recovered, in a summary way before a Special

Magistrate

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Magistrate or any two Justices; and all such proceedings shall be in manner provided by the Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4, or any Act for the time being in force as to procedure before Justices.

(2) The Special Magistrate or Justices may also, in case any penalty is imposed, order the defendant, in default of payment thereof, to be imprisoned, with or without hard labor, for any period not exceeding six months.

**106.** All penalties shall, except where otherwise provided, when recovered, be paid to the Treasurer.

Penalties.

Ibid, s. 76.

**107.** There shall be an appeal from any decision of any Special Magistrate or Justices to the Local Court of Adelaide of Full Jurisdiction.

Appeal to Local Court.

Ibid, s. 76.

**108.** Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and the said Act No. 298 of 1883-4, or any other Act for the time being regulating appeals to such Local Court; and such Local Court may make such order as to costs as it thinks fit.

Procedure on appeal.

Ibid, s. 77.

**109.** Such Local Court may state a special case for the opinion of the Supreme Court.

Special case.

Ibid, s. 78.

**110.** The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make any order as to the costs of the proceedings in that Court and in the Courts below.

Procedure on special case.

Ibid, s. 79.

**111.** All actions for anything done under this Act shall be commenced within six months after the cause of action arises, and not afterwards. Notice in writing of such action, and the cause thereof, shall be given to the defendant one month at least before the commencement of the action. In every such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon. No plaintiff shall recover in any such action if tender of sufficient amends has been made before action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the defendant after action brought, together with the costs incurred up to that time.

Protection to persons acting in execution of this Act.

Ibid, s. 80.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

SCHEDULE.

*The Irrigation and Reclaimed Lands Act.—1908.*

## SCHEDULE.

SOUTH [Royal Arms] AUSTRALIA.

Crown Lease (Perpetual No. \_\_\_\_\_) under "The Irrigation and Reclaimed Lands Act 1908."

## Section 23.

I the Honorable Commissioner of Crown Lands of the State of South Australia (hereinafter called "the Commissioner") in exercise of the powers conferred upon me by the above-mentioned Act (hereinafter called "the said Act") do hereby lease to [name of lessee] of [address and occupation] his executors administrators and assigns (all of whom are hereinafter included in the term "lessee") all that land containing \_\_\_\_\_ acres or thereabouts and being Block No. \_\_\_\_\_ in The \_\_\_\_\_ Irrigation Area in the County of \_\_\_\_\_ as the same is delineated in the plan of the said irrigation area deposited in the office of the Surveyor-General in the City of Adelaide to be held in perpetuity at the following rental namely:—For the first year the sum of \_\_\_\_\_ for the second year the sum of \_\_\_\_\_ for the third year the sum of \_\_\_\_\_ and for the fourth and every succeeding year the sum of \_\_\_\_\_ (subject to alteration on revaluation as provided by the said Act) such sums to be paid in advance on the \_\_\_\_\_ day of \_\_\_\_\_ in each year and the first of such sums to be paid on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ and at a further rent of five pounds per centum per annum on any rent in arrear subject to the reservations covenants and conditions shortly stated below and some of which are more fully set out in "The Crown Lands Act 1903."

*Reservations.*

1. There are reserved to the Crown all gold silver copper tin and other metals ores minerals and other substances containing metals and all gems and precious stones coal and mineral oil with incidental powers of search and mining.

2. There is reserved to the Commissioner and to the Board constituted or to be constituted for the said irrigation area (hereinafter called "the Board") the right at all times by himself or themselves or by his or their officers or agents to enter into and upon the land hereby leased and therein to construct alter divert cleanse repair and inspect water channels drains embankments and all other reclamation irrigation and sanitary works and to conserve water for the public use where required and to exercise all powers conferred upon him or them respectively by the said Act without any payment to the lessee by way of compensation.

*Covenants.*

## 3. The lessee must—

1. Pay the rent at the times and in manner aforesaid.
- II. Pay all rates and charges imposed upon or payable in respect of the land and in particular all rates and charges imposed or charged by the Commissioner or the Board in exercise of the powers conferred by the said Act or by any Act amending or extending the same:
- III. Pay for all water supplied to him by the Commissioner or the Board at the rates or charges levied or prescribed by the Commissioner or the Board:
- IV. Enclose the land with cattle-proof fence before the end of the fifth year of the lease:
- V. During the first two years of the lease plant or bring under cultivation to the satisfaction of the Commissioner at least two-fifths of the reclaimed and of the irrigable land included in this lease and an additional one-fifth of such lands in each of the following three years until the whole of such lands are under such cultivation or planting:
- VI. Keep in good repair all Crown improvements (if any) on the land and all improvements made by the Commissioner or the Board and all buildings orchards vineyards gardens fences and other improvements thereon and keep all fruit and other trees and plants thereon free as far as possible from insects pests and diseases:

## VII. Commence

vii. Commence forthwith to destroy and during the lease keep the land free from all vermin and noxious weeds to the satisfaction of the Commissioner :

viii. Insure and keep insured in the full insurable value thereof all buildings the property of the Crown or of the Board upon the land in the joint names of the Commissioner and the lessee in some insurance office to be approved by the Commissioner and forthwith lodge the policy of every such insurance in the office of the Commissioner and forward to the Commissioner the receipts for the premiums payable in respect of such policy within seven days after the same shall become due. The Commissioner may insure on default by the lessee and recover all amounts paid for such insurance in like manner as the rent is recoverable :

ix. Permit the Crown the Commissioner the Land Board the Board and the owner of any mining claim situated on the land or the holder of any mining lease of the whole or any portion of the land under any law for the time being relating to mining by itself himself or themselves or its his or their officers or agents full and free liberty of access ingress egress and regress into upon and from the land :

- I. Transfer encumber or mortgage without the written consent of the Commissioner first had in each case :
- II. Erect brush fence or suffer or permit the same to be erected or to remain on the land.

4. The lease shall be liable to forfeiture in the following cases and no others:—

- i. If default be made in payment of any rent in arrear for six months after written notice requiring its payment or if
- ii. Default be made in the performance of any covenant for three months after notice of its non-performance requiring its performance or if
- iii. The land shall be transferred sublet or mortgaged without the written consent of the Commissioner first had in such cases or if
- iv. The lessee shall refuse to permit the Commissioner or the Board by himself or themselves or by his or their officers to enter upon the land hereby leased to construct alter divert cleanse repair or inspect any water channel drain embankment or other reclamation irrigation or sanitary work or to conserve water for public use or otherwise to exercise any power conferred upon him or them by the said Act.

In witness whereof the hands and seals of the Commissioner and the lessee are hereunto set the                      day of                      190 .

Signed sealed and delivered by the  
Commissioner of Crown Lands in the  
presence of } .....  
Commissioner of Crown Lands.

Signed sealed and delivered by the )  
above-named lessee in the presence of ) .....





ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 954.

An Act to facilitate the Control and Care of Inebriates.

[*Assented to, November 11th, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Inebriates Act, 1908."

Short title.

2. "The Inebriates Act of 1881," is hereby repealed: Provided that such repeal shall not affect any act, matter, or thing done under the said Act before the passing of this Act.

Repeal.  
238 of 1881.

3. In this Act—

Definitions.

"Inebriate" means a person who habitually uses alcoholic liquors or intoxicating or narcotic drugs to excess:

Vict., No. 1940, 1904,  
s. 3.

"Institution" means a place, not being a gaol, established or licensed under this Act by the Governor for the reception, control, and treatment of inebriates:

"Judge" means a Judge of the Supreme Court of the said State:

"Justice" means a Justice of the Peace for the said State:

"Subject of an order" or "subject of the order" means the person concerning whom an order under section 4 or section 8 of this Act has been made:

"This Act" includes regulations made under this Act.

*The Inebriates Act.—1908.*

Power of Judge or Magistrate to make an order as to control of inebriate.

*Ibid*, s. 4.

4. It shall be lawful for a Judge or a Special Magistrate, on proof to his satisfaction that a person is an inebriate, to order—

- (a) That such inebriate be placed for any period not exceeding two calendar months under the care and control of some person or persons to be named in the order, either in the house of the inebriate, in the house of a friend of the inebriate, in a public or private hospital, or in an institution ; or
- (b) That such inebriate be placed and detained in an institution for such period, not exceeding two years, as is mentioned in the order ; or
- (c) That such inebriate be placed for any period not exceeding two years (to be mentioned in the order) under the care and charge of an attendant or attendants to be named in the order, which attendant or attendants shall be under the control of such Judge or Magistrate as aforesaid.

Upon whose application order may be made.

*Ibid*, s. 4.

5. Such order may be made on the application of—

- I. The inebriate himself, or any person authorised in writing in that behalf by the inebriate while sober and fully understanding the nature and effect of such authorisation (of which fact the Judge or Special Magistrate must be satisfied) ;
- II. The husband or wife, or a parent, or a brother, sister, son, or daughter (which brother, sister, son, or daughter is not less than twenty-one years of age), or a partner in business of the inebriate ; or
- III. A member of the Police Force of or above the rank of sub-inspector, acting on the request in writing of a legally qualified medical practitioner in professional attendance on the inebriate, or on the request in writing of a relative by blood or marriage of the inebriate, or at the instance of a Justice.

Conditions precedent.

*Ibid*, s. 4.

6. (1) No such order shall be made except—

- I. On the production to such Judge or Magistrate of a certificate by a legally qualified medical practitioner (not being the applicant) that the person in respect of whom the application is made is an inebriate, together with corroborative evidence by some other person or persons ; and
  - II. On personal inspection of the inebriate (where the application is to a Special Magistrate) by such Magistrate, or (where the application is to a Judge) by the Judge or by some person appointed by him in that behalf, whose report shall be produced to the Judge.
- (2) Every medical practitioner who signs any certificate under or for the purposes of this Act shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates



*The Inebriates Act.—1908.*

relates is an inebriate, and shall distinguish in such certificate facts observed by himself from facts communicated to him by others; and no such order shall be made upon any certificate which purports to be founded only upon facts communicated by others.

**7.** The inebriate shall be afforded an opportunity of being heard by the Judge or Magistrate on the hearing of an application for an order under section 4 hereof.

Person charged to be heard.

*Ibid.*, s. 4.

**8.** (1) When any person has been convicted three times within the preceding twelve months of an offence or offences of which drunkenness is a necessary part or condition, it shall be lawful for any Judge or Special Magistrate, on the application of any of the persons upon whose application an order may be made under section 4 hereof, to order that such person be placed for such period of not more than twelve months, as is mentioned in the order, in an institution.

Order in case of frequent convictions of drunkenness, &c.

*Vict.*, No. 1940, 1904, s. 6, adapted.

(2) On the order of any Judge or Special Magistrate such period may from time to time be extended for further periods, none of which shall exceed twelve months.

(3) If such person is physically unfit to travel to the institution named in such order, the Judge or Magistrate making the order may direct that he be placed for immediate medical treatment for such time as the Judge or Magistrate thinks fit, not exceeding twenty-eight days, in a gaol or hospital or private house, there to be under the supervision of the police, and may renew such order from time to time.

**9.** The Judge or Special Magistrate who makes any order under section 4 or 8 of this Act may, in such order or any subsequent order, direct that the expenses of the care, charge, and maintenance of the subject of the order be paid by him or out of any of his property, and fix the amounts to be so paid. The expenses so directed to be paid may be recovered in any Court of competent jurisdiction—

Order for expenses of care and maintenance.

*Ibid.*, s. 7, adapted.

(a) In case the subject of the order is placed in an institution established by the Governor, at the suit of the Attorney-General or any person authorised by him in that behalf:

*Cf.* 61 and 62, *Vict.*, c. 60, s. 12.

(b) In case he is placed in an institution licensed by the Governor, at the suit of the managers thereof or any one or more of such managers, or of the secretary thereof.

**10.** (1) Where it is proved to the satisfaction of the Supreme Court or a Judge that the subject of an order is incapable of managing his affairs, such Court or Judge may make all proper orders for rendering the property and income of such subject available for the payment of his debts and for the maintenance and benefit of himself and his family, and may make orders for the care and management of his property in all respects as if he were lunatic within

Supreme Court may make order as to management of inebriate's estate.

*Vict.* No. 1940, 1904, s. 8.

*The Inebriates Act.—1908.*

21 of 1864.

within the meaning of the "Lunatics Act, 1864," and may, if necessary, appoint any person, either with or without security, to undertake the care and management of his property under the order and direction of the Court.

21 of 1864.

380 of 1886.

(2) The person so appointed shall, subject to the said orders and directions and to the rules of the Court, have the same powers and be subject to the same obligations and control as a committee of the estate of a lunatic, and the powers and provisions contained in the "Lunatics Act, 1864," and "The Real Property Act, 1886," relating to the management and administration of the estates of lunatic persons shall apply to the estate of such subject.

Directions as to control of inebriate and power to vary, etc., any order or direction.

Ibid, s. 9.

**11.** The Judge or Special Magistrate making an order under section 4 or 8 of this Act may give such directions as he thinks fit as to the control of the subject of the order, and may vary, renew, or rescind any order or direction made by him.

Order sufficient authority for anything therein directed.

Ibid, s. 10.

**12.** The order or direction of a Judge or Special Magistrate made under this Act shall be sufficient authority for the carrying out by any person of any direction therein contained.

Order shall direct attendant to prevent supply of intoxicant.

Ibid, s. 10.

**13.** When an order made under this Act is that the subject of the order be placed under the care and charge of an attendant it shall authorise and direct such attendant to prevent any person from supplying such subject while under his care and charge with any intoxicating liquor, or with any drug or thing which is capable of being used for the purpose or with the effect of producing a state of intoxication; and any attendant who neglects to comply with any such direction shall be liable to a penalty not exceeding Ten Pounds.

Inebriate not to leave the State.

Ibid, s. 11.

**14.** When, by an order under this Act, the subject of the order has been placed under the care and charge of an attendant, such subject shall not be allowed to leave the said State during the continuance of such order, unless permitted to do so by some variation of the order.

Inebriate escaping from custody may be arrested.

Ibid, s. 12.

**15.** (1) Any subject of an order who escapes from the institution in which, or from the attendant under whose care and charge, he has been placed by an order under this Act may, without further or other authority than this Act, be arrested and returned to his former custody under such order.

61 & 62 Vic., c. 60, s. 18.

(2) The time between his escape and his return, whether on arrest or otherwise, shall not be treated as part of the period prescribed in any order made under this Act.

Police to assist in enforcing compliance with order.

Vic. No. 1940, 1904, s. 13.

**16.** It shall be the duty of all officers and members of the Police Force to assist the person under whose care and charge the subject of an order has been placed under an order under this Act to compel such subject to comply with the directions of such order, and to assist such person and the managers of any institution in enforcing the observance of the provisions of this Act.

**17.** If

*The Inebriates Act.—1908.*

17. If any licensee of any institution licensed under this Act knowingly and wilfully fails to comply with any of the provisions of this Act, or neglects or permits to be neglected any inebriate or the subject of an order placed in the institution in respect of which he is licensed, or does anything in contravention of any of the provisions of this Act, he shall be liable to a penalty for every such offence of not exceeding Twenty Pounds.

Offences by licensees of institutions.

42 & 43 Vict., c. 19, s. 23, adapted.

18. If any person does any of the following things:—

Offences by officers, servants, and other persons.

i. Ill-treats, or, being an officer, servant, or other person employed in or about an institution, wilfully neglects any inebriate or the subject of an order placed or detained in it:

*Ibid*, s. 24, adapted.

ii. Induces or knowingly assists the subject of an order detained in an institution, or placed under the care and charge of an attendant by an order under this Act, to escape from such institution or attendant:

iii. Without the authority of the licensee or a legally qualified medical practitioner in medical attendance at an institution (proof of which authority shall lie on the said person), brings into such institution any intoxicating liquor or drug, or thing which is capable of being used for the purpose or with the effect of producing a state of intoxication:

iv. Without the written authority of a legally qualified medical practitioner (proof of which authority shall lie on the said person), except in case of urgent necessity (proof of which shall also lie on the said person), gives or supplies, or attempts to give or supply, the subject of an order, with any intoxicating liquor, or any such drug or thing as mentioned in subsection iii. of this section,

*Cf.* Vict. No. 1940, 1904, s. 14.

he shall be liable to a penalty for every such offence of not exceeding Twenty Pounds.

19. If the subject of an order who, in the opinion of a legally qualified medical practitioner, is *compos mentis*, while detained in an institution, wilfully neglects or wilfully refuses to conform to the rules thereof, he shall be liable to a penalty not exceeding Ten Pounds, or, at the discretion of the Special Magistrate or Justices, to be detained within the institution for any period not exceeding twenty-eight days beyond the period prescribed in any other order made under this Act.

Offences by inebriates while detained in institutions.

42 & 43 Vict., c. 19, s. 25, altered.

20. No person, except by permission of the Judge or Special Magistrate, or Justices adjudicating (the proof of which permission shall lie on such person), shall publish a report of any proceedings under this Act, and no report published in contravention of this section shall in any action for defamation be deemed to be privileged. Any person who publishes a report of any proceedings in contravention of this section shall be liable to a penalty not exceeding One Hundred Pounds, or to be imprisoned for any term not exceeding three months.

Proceedings not to be published without permission.

Vict. No. 1940, 1904, s. 15.

21. The

*The Inebriates Act.—1908.*

Judges may make rules.

*Ibid*, s. 16.

**21.** The Judges of the Supreme Court may make rules for regulating the form and mode of proceeding under this Act before such Court, or a Judge, or a Special Magistrate, and for carrying out the powers and duties of such Court, or a Judge, or a Special Magistrate under this Act.

Governor may establish or license and subsidise institutions for inebriates.

*Ibid*, s. 16, altered.

**22.** The Governor may, by Proclamation published in the *Government Gazette*, establish any house or premises as a place for the reception, control, and treatment of inebriates, and may at any time revoke any such Proclamation; and may license institutions for the reception, control, and treatment of inebriates; and may grant subsidies towards the cost of erecting or purchasing institutions, whether now existing or hereafter coming into existence, so licensed or to be so licensed, and the maintenance and extension thereof, and towards the maintenance, care, and custody of subjects of orders placed in institutions under orders made under this Act.

Governor may make regulations.

*Ibid*, s. 16.

**23.** (1) The Governor may, by order in Council, make regulations—

- (a) For the issue and revocation of such licences as mentioned in the next preceding section;
- (b) For regulating and managing institutions, and for their inspection by persons appointed by the Governor for that purpose;
- (c) For determining the fees and charges payable by subjects of orders placed in any institution;
- (d) For the treatment, control, and discipline of subjects of orders and their release from any institution on probation, and the discipline of officers and attendants under this Act, whether in institutions or otherwise; and
- (e) Generally for carrying out the provisions of this Act;

and may in such regulations impose any penalty not exceeding Fifty Pounds for any breach thereof, or of any other regulations made by him under this Act.

(2) All such regulations shall be published in the *Government Gazette*, and when so published shall have the force of law and shall be judicially noticed, and shall be laid before both Houses of Parliament within twenty-eight days after such publication, if Parliament is then in Session, and if not, then within twenty-eight days after the commencement of the next Session, but if either House of Parliament passes a resolution at any time within thirty sitting days after such regulations have been laid before such House disallowing any regulation, or part thereof, such regulation, or part thereof, shall thereupon cease to have effect: Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

**24.** All

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*The Inebriates Act.*—1908.

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**24.** All proceedings in respect of offences against this Act shall be by complaint or information, and shall be heard and determined in a summary way before any Special Magistrate or any two or more Justices, under the Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4, or any Act for the time being in force relating to the duties of Justices as to summary proceedings. Proceedings for offences.

**25.** There shall be an appeal from any decision of a Special Magistrate or Justices in any proceeding in respect of offences against this Act to the Local Court of Adelaide of Full Jurisdiction, or, except in the case of a decision of a Special Magistrate, to the Local Court of Full Jurisdiction nearest to the place where the decision was given. Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and the said Act No. 298 of 1883-4, or any Act for the time being in force relating to appeals to such Local Court. The Court on such appeal may make any order as to costs which it thinks fit, although such costs exceed Ten Pounds. Appeal.

**26.** (1) The Local Court may state a special case for the opinion of the Supreme Court. Special case.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to costs of the proceedings in that Court and in the Courts below, as to the said Supreme Court appears just.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.





ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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No. 955.

An Act to further amend "The Pinnaroo Railway Act Amendment Act, 1907."

*[Assented to, November 11th, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**1.** This Act may be cited alone as "The Pinnaroo Railway Act Further Amendment Act, 1908," and "The Pinnaroo Railway Act Amendment Act, 1907," and this Act may be cited together as "The Pinnaroo Railway Act Amendment Acts, 1907 and 1908." Short title.

**2.** Section 2 of "The Pinnaroo Railway Act Amendment Act, 1907," is hereby amended by inserting the words "and other" after the word "principal" in the eighth line thereof. The said Act shall be administered as if those words had been so inserted when the Act was passed; and all moneys heretofore and hereafter credited as if the said words had been so inserted, if in other respects lawfully credited, are hereby declared to have been and to be lawfully credited. Amendment of section of Act of 1907.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.







ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 956.

An Act for the Prevention of Cruelty to Animals.

[*Assented to, December 2nd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Prevention of Cruelty to Animals Act, 1908." Short title.

2. Section 67 of the "Police Act, 1869-70," is hereby repealed. Repeal.  
No. 15, 1869-70

3. In this Act, unless the context or subject matter otherwise indicates or requires— Interpretation.  
N.S.W., No. 64,  
1901, s. 3.

"Animal" means and includes every species of quadruped and every species of bird, whether in a natural or domestic state, and all other animals dependent upon man for their care or sustenance or in a state of captivity: Cf. Q., No. 26, 1901  
ss. 3, 4.

"Constable" means and includes police officer, police constable, and special constable.

"Ill-treat" includes wound, mutilate, overdrive, override, overwork, abuse, worry, torment, and torture; also knowingly overload and knowingly overcrowd, and unreasonably, wantonly, or maliciously beat or cause unnecessary pain:

"Justice" means Justice of the Peace for the said State:

"Vehicle" means and includes every description of cart, wagon, truck, barrow, carriage, or other conveyance.

4. (1) Any

*The Prevention of Cruelty to Animals Act.—1908.*

Ill-treating animals.  
N.S.W., No. 64,  
1901, s. 4, extended.  
Cf. Q., No. 26, 1901,  
s. 4.

Neglecting to provide  
with food, &c.

Baiting animal.

Receiving money to  
witness baiting.

Encouraging baiting.

Carrying animals so  
as to cause pain.

Slaughtering, &c.,  
so as to cause un-  
necessary pain, &c.

Using or conveying  
unfit animal.

Imprisonment or fine  
by Special Magistrate  
or two Justices.

Additional penalty for  
every day offence is  
committed.  
N.S.W., No. 64,  
1901, s. 4 (2).

Compensation for  
injury caused to  
animal, person, or  
property.  
Cf. N.Z., No. 24,  
1884, s. 8.

Exemption.

#### 4. (1) Any person who—

- (a) Ill-treats, or causes or procures to be ill-treated, any animal; or
- (b) Wantonly or negligently fails to supply any animal with proper and sufficient food, or water, or as regards animals other than those running at large, or on a journey, with shelter; or
- (c) Keeps, or uses, or acts in the management of any place for the purpose of fighting or baiting any animal, or permits or suffers any place to be so used; or
- (d) Receives money for the admission of any other person to any place kept or used for the purpose of fighting or baiting any animal; or
- (e) Incites any animal to fight, or baits any animal, or encourages, aids, or assists at the fighting or baiting of any animal; or
- (f) Conveys, carries, or packs, or causes to be conveyed, carried, or packed, whether in or upon any vehicle or not, any animal in such a manner or position as to subject such animal to unnecessary pain or suffering; or
- (g) Slaughters, or causes to be slaughtered, any animal in such a manner as to subject such animal to unnecessary pain or suffering; or
- (h) Knowingly or wantonly rides, drives, uses, conveys, carries, or packs any animal which is unfit for such use or treatment; or

(i) Connives with another in doing any of the above acts:

shall, on conviction before a Special Magistrate or two Justices, be liable to a penalty not exceeding Ten Pounds.

(2) An additional penalty of Five Pounds may, on such conviction, be imposed for every day on which an offence committed under clause (c) or (d) of the last subsection is continued.

(3) Any person who by ill-treating any animal, or inciting any animal to fight, does damage or injury to such animal, or thereby causes damage or injury to be done to any person or property, shall, in addition to such penalty, pay to the owner of such animal (if the offender is not the owner thereof), or the person who sustains damage or injury as aforesaid, such sum of money by way of compensation, not exceeding the sum of Twenty Pounds, as is ascertained and determined by the convicting Magistrate or Justices: Provided that nothing in this subsection shall take away any other remedy of such owner or any other person in respect of such damage or remedy.

(4) Nothing in this Act shall render unlawful the slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion.

5. The

*The Prevention of Cruelty to Animals Act.—1908.*

5. The dehorning of cattle, where the operation is performed with a minimum of suffering to the animal operated upon, shall not be deemed an offence under this Act.

Dehorning cattle.

6. If any person keeping or using or having the management of any place for the purpose of slaughtering any diseased, maimed, or worn out animal (not intended for butchers' meat) uses or employs, or causes or permits to be used or employed, any such animal brought to or delivered at or which is in or upon such place for the purpose of being slaughtered, or permits or suffers any such animal to leave the said place to be employed in any manner of work, every such person shall be liable to a penalty not exceeding Forty Shillings for every day on which such animal is so used or employed or is absent from such place; and any person who uses or employs or is in the possession or custody of any such animal whilst so used or employed shall be liable to a penalty not exceeding Forty Shillings for every day he uses or employs or is possessed or in the custody of such animal as aforesaid.

Penalty for using or employing animal condemned to be slaughtered.

7. (1) If any constable is of opinion that any animal is unfit to be used in work or labor of all or any kind, he may, by notice signed by him and indorsed by a Justice and delivered to any person, direct that such animal is not to be used in work or labor, or in work or labor of the kind specified in such notice, for any time stated therein, not exceeding three weeks.

Power to prohibit use of animal unfit for work.

New.

(2) At the expiration of such time, or of the time specified in any notice under this subsection, any constable, if of opinion that such animal is unfit to be used as aforesaid, may, by notice signed and indorsed as aforesaid and delivered to any person, direct that such animal is not to be used in work or labor, or in work or labor of the kind specified in the last mentioned notice, for any further time stated therein, not exceeding three weeks.

Extension of prohibition.

(3) If the person to whom any notice under subsection (1) or (2) of this section is delivered, or any person who has notice thereof, uses such animal or permits it to be used in any work or labor, or in work or labor of the kind specified in such notice (as the case may be) during the time specified in such notice, he shall be liable, upon conviction before a Special Magistrate or two Justices (other than the Justice who signed the notice), to a penalty not exceeding Five Pounds.

Penalty.

(4) Upon information in writing made to any Justice by any person who alleges in such information that he is injured by the operation of any notice under subsection (1) or (2) of this section, and that such animal is not unfit to be used as specified in the notice, such Justice shall issue his summons calling upon the constable who signed the notice to appear, at a time and place therein named, and show cause why the notice should not be annulled. At the time and place so named such information may be heard by any Special Magistrate or two Justices, who may in their discretion annul, vary, confirm, or extend (as to time or kinds of work or labor) the

Application for removal of prohibition.

*The Prevention of Cruelty to Animals Act.—1908.*

the operation of the notice, but shall not, unless satisfied that the notice was delivered frivolously or maliciously, give any costs against such constable.

Constable may inspect saleyards, &c.  
N.Z., No. 24, 1884,  
s. 10.

**8.** Any constable may enter at any time into any saleyard or place where animals are usually sold or kept for the purposes of sale, and may inspect any animal found therein, and the accommodation for such animals. Any person hindering such constable from so entering and inspecting shall be liable, on conviction before any Justice, to a penalty not exceeding Ten Pounds.

Apprehension.  
N.S.W., No. 64, 1901,  
s. 8.  
N.Z., No. 24, 1884,  
s. 11.  
Cf. Q., No. 26, 1901,  
s. 10.

**9.** (1) Any constable may, upon his own view of the commission of an offence under this Act, or upon the complaint of any other person who declares that he or she has seen an offence under this Act committed, and gives his or her name and place of abode to the constable, lay an information against the offender for the purpose of the offender being dealt with according to law.

Apprehension.  
Warrant may issue  
forthwith.  
N.Z., No. 24, 1884,  
s. 11.

(2) Any Justice may, without previously issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence under this Act whenever good grounds for so doing shall be stated on oath before such Justice.

Limitation of time  
within which infor-  
mation or complaint  
laid or made.  
Ibid., s. 9.

**10.** Every information or complaint in respect of an offence against this Act shall be laid or made within fourteen days after the cause of offence or complaint arose.

Vehicles, animals, &c.,  
may be detained.  
N.S.W., No. 64,  
1901, s. 10 (1).  
Q., No. 26, 1901, s. 11.

**11.** (1) Whenever a constable arrests any person having charge of any vehicle or animal or both for an offence against the provisions of this Act he may take charge of such vehicle or animal or both, and any saddle and harness on or attached to such animal or vehicle, and deposit the same in some place of safe custody as security for payment of any penalty to which such person or the owner of such vehicle or animal may become liable, and the expenses which have been or may be necessarily incurred for taking charge of and keeping the same.

Sale in default of  
payment.  
N.S.W., No. 64, 1901,  
s. 10 (2).

(2) The Justice or Justices who hear the case may, in default of payment, order such vehicle or animal or saddle or harness, or any or all of them, to be sold for the purpose of satisfying such penalty and reasonable expenses in like manner as if the said vehicle, animal, saddle, and harness had been subject to be distrained, and had been distrained upon for the payment of such penalty and expenses.

Special constable  
may be appointed.  
N.Z., No. 24, 1884,  
s. 14.

**12.** Any Special Magistrate or any two Justices may appoint, in writing under his or their hands, any officer, agent, or servant of any society for the prevention of cruelty to animals to be a special constable to act for such time and within such limits as are appointed, and such special constable shall, during such time and within such limits, have, exercise, and enjoy all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities, as any constable of the Police Force of South Australia.

**13.** (1) If

*The Prevention of Cruelty to Animals Act.—1908.*

**13.** (1) If it shall be made to appear to any Justice by personal inspection, or by the testimony of a competent witness, that any animal impounded in any pound or found elsewhere is in such a weak, disabled, or diseased state that it ought to be killed, it shall be lawful for him, by writing under his hand, to order that the said animal shall be forthwith killed; and such order shall be sufficient authority to the poundkeeper or owner of such animal, or any other person authorised by the said Justice, to kill the same, and no compensation whatever shall be recoverable in respect of such killing.

Killing of animals.  
N.Z., No. 24, 1884,  
s. 13.  
Cf. Q., No. 26, 1901  
s. 9.

(2) Whenever, in the opinion of a constable, any animal is so weak, disabled or diseased, or as the result of an accident, or from any other cause, sustains such injuries that its recovery is impossible, such constable may, upon obtaining the order of a Justice or the consent of the owner, immediately kill such animal, and no compensation whatever shall be recoverable against such Justice or constable in respect of such killing.

Powers of constable  
in case of accident,  
etc.  
New.

**14.** Whenever it is by the oath of any credible person made to appear to the satisfaction of a Special Magistrate or two Justices that an offence against this Act has been, or is being, or is about to be committed on or in any premises, such Magistrate or Justices may, by writing under his or their hand, authorise such person or some constable named therein to enter upon or into such premises and inspect any animal confined or kept there.

Inspection of  
premises.  
N.S.W., No. 64,  
1901, s. 11.

**15.** Whosoever, at any time or in any manner, unlawfully obstructs, hinders, molests, or assaults any constable or other person whilst in the exercise of any power or authority under or by virtue of this Act shall, on conviction before any Justice, be liable to a penalty not exceeding Ten Pounds.

Obstructing con-  
stable.  
Ibid., s. 5.

**16.** (1) Whenever an information is laid or complaint made against the driver or conductor of any vehicle, whether licensed or otherwise, for any offence against the provisions of this Act, the Justice or Justices before whom such information is laid or complaint made may forthwith summon the proprietor or owner of such carriage or vehicle to produce before him the driver, conductor, or other servant by whom the offence was committed, or is alleged to have been committed, to answer the information or complaint.

Proprietors of  
vehicles to be sum-  
moned to produce  
their servants.  
Ibid., s. 6 (1).

(2) If such proprietor or owner, after being duly summoned, fails without reasonable excuse to produce such driver, conductor, or servant, the Justice or Justices before whom such driver, conductor, or servant is required to be produced may proceed, in the absence of such driver, conductor, or servant, to hear and determine the case in the same manner as if he had been produced, and to adjudge payment by the proprietor or owner of any penalty or sum of money and costs in which the driver, conductor, or servant is convicted.

Case may be heard in  
absence of driver.  
Ibid., s. 6 (2).

(3) Any sum of money so paid by the proprietor or owner may, upon proof of payment thereof, and of such driver, conductor, or servant

Recovery from ser-  
vant of sum paid.  
Ibid., s. 6 (3).

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servant refusing or neglecting to be produced pursuant to the order of the Justice or Justices, be recovered in a summary way from the driver, conductor, or servant through whose default such sum has been paid, in the same manner as a penalty.

Penalty on proprietor for not producing his servant.

*Ibid.*, s. 6 (4).

(4) The Justice or Justices may, if such proprietor or owner fails to produce his driver, conductor, or servant without reasonable excuse, impose a penalty of Forty Shillings upon such proprietor or owner, and may also direct a further summons to issue against him under subsection (1) of this section, whereupon the same consequences shall follow as upon the first summons so issued, including power upon the hearing of each successive summons to issue a further summons, until such driver, conductor, or servant is produced.

Power to provide food to neglected animals.  
Q., No. 26, 1901, s. 8.

17. If any animal is at any time impounded, or confined in any yard, pen, cage, hutch, pound, or receptacle of the like nature, or deprived of its liberty, and continues impounded, confined, or restrained without fit and sufficient food and water for more than twenty-four consecutive hours, it shall be lawful for any person whomsoever to enter into and upon any yard or other premises, or any pound, or other receptacle of a like nature in which such animal is so confined, and to supply such animal with fit and sufficient food and water during so long a time as it remains and continues so impounded, confined, or restrained, without being liable to any action of trespass or other proceeding by any person whomsoever for or by reason of such entry for the purposes aforesaid. The reasonable cost of such food and water shall be paid by the owner of such animal to the person who has supplied the same, and such cost may be recovered by complaint before a Special Magistrate or two Justices.

This section shall not apply to animals carried in railway trucks.

Exemptions.

Q., No. 26, 1901, s. 12

18. (1) Except as hereinafter provided, nothing in this Act contained shall apply to any act done in any of the following cases:—

Extermination of pests.

(a) In the extermination of rabbits, marsupials, wild dogs, foxes, or vermin; or

(b) In the extermination or destruction of any animal under the authority of any Act, regulation, or by-law in force for the time being; or

Hunting, &c., un-domesticated animals.

(c) In the hunting, snaring, trapping, shooting, or capturing of any animal not in a domestic state; or

Vivisection.

(d) In any experiment or vivisection performed upon any animal by any legally qualified medical practitioner or veterinary practitioner, or any officer appointed by the Governor in Council, for the purposes of scientific investigation: Provided that the Governor in Council may, from time to time, make regulations for the registration of those practitioners who shall be permitted to perform such experiments or vivisection and for the humane conduct of their operations.

(e) In

*The Prevention of Cruelty to Animals Act.—1908.*

(e) In any operation of the nature of an inoculation or of a feeding experiment.

(2) The exemption in this section contained shall not take effect— Conditions of exemptions.

(a) In any case of ill-treatment; or

(b) In any case of vivisection or other experiment as described in subsection (d) wherein the following conditions are neglected, that is to say:—

I. The operation shall be performed in accordance with the said regulations:

II. The animal subject to the operation shall during the whole time thereof be so under the influence of some anæsthetic as to be insensible to pain:

III. When the animal has in the course of the operation been so injured that its recovery would involve serious suffering, it shall be destroyed while still insensible.

**19.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or as may be necessary or convenient to be prescribed for giving effect to this Act. Regulations.

(2) All such regulations shall—

(a) Be published in the *Government Gazette*.

(b) Take effect from the date of such publication, or from a later date to be specified therein; and

(c) Be laid before both Houses of Parliament within fourteen days after publication, if Parliament be then in Session, and if not, then within fourteen days after the commencement of the next Session.

(3) Any regulations made under this Act may prescribe penalties not exceeding in any case the sum of Twenty Pounds for any infringement of such or other regulations made under this Act.

(4) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same shall be disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulations shall have been laid before Parliament, if Parliament shall be so long in Session: Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it, then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

**20.** All

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**Procedure.**

**20.** All proceedings in respect of offences against this Act shall be heard and determined under Ordinance No. 6 of 1850 and any Act for the time being in force relating to the duties of Justices of the Peace with respect to summary convictions and orders.

**Appeal.**

**21.** There shall be an appeal from any order or conviction or any dismissal of any complaint or information in any proceedings under this Act, and such appeal shall be to the Local Court of Adelaide in its Full Jurisdiction, or to the Local Court of Full Jurisdiction nearest to where the offence was committed, and shall be heard and determined in manner provided by the said Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4 and any other Act for the time being in force as to appeals to Local Courts.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.





ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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No. 957.

An Act relating to the Erection of Abattoirs for the City and Suburbs of Adelaide, and for other purposes.

[*Assented to, December 2nd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

## PART I.

## PART I.

### PRELIMINARY AND APPLICATION OF ACT.

1. This Act may be cited as "The Metropolitan Abattoirs Act, 1908." Short title.

2. This Act is divided into the following parts:—

Division.

PART : I.—Preliminary and Application of Act:

PART II.—The Metropolitan Abattoirs Board:

PART III.—Borrowing Powers:

PART IV.—Abattoirs:

PART V.—Markets for Stock:

PART VI.—Power to take Land, &c.:

PART VII.—Extension of the Metropolitan Abattoirs Area:

PART VIII.—Regulations:

PART IX.—Miscellaneous.

3. In

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## PART I.

## Interpretation.

**3.** In this Act, and in proceedings and regulations thereunder, the terms in inverted commas shall have the meaning stated, except where some other meaning is clearly intended—

New Zealand, 1900.

No. 30, sec. 2.

“Abattoirs” shall mean the abattoirs to be erected pursuant to this Act :

“Act” includes regulations :

“Board” means “The Metropolitan Abattoirs Board” created by this Act :

“Brand” means any trade mark or stamp, and includes any tag, stamp, or label bearing any brand, mark, or label :

“Carcass” includes the whole or any part of the flesh, wool, skin, hide, bones, hair, hoofs, and offal of any stock :

“Constituent Corporations and Councils” means and includes the Corporations of the Cities of Adelaide and Unley, the Corporations of the Towns of Hindmarsh, Kensington and Norwood, St. Peters, and Thebarton, and the District Councils of Burnside, Mitcham, Payneham, Prospect, Walkerville, and West Torrens, and such other Municipal Corporations and District Councils respectively as may hereafter by Proclamation be declared to be constituent Corporations and Councils :

“Council” or “District Council,” and “District” shall have the respective meanings assigned to them by “The District Councils Act, 1887” :

“Disease” means the following diseases:—Tuberculosis, pleuropneumonia, cancer, actinomycosis, anthrax, hydatids, worms of various sorts, and other inflammatory bacterial and parasitic diseases, and includes advanced pregnancy, recent parturition, and any such other defect or infirmity in the condition of stock or meat as in the opinion of any Inspector renders it unfit for human consumption, and also any other disease the Governor may by Proclamation declare to be a disease for the purposes of this Act :

“Diseased” means infected or affected with disease :

“Inspector” means an inspector appointed under this Act. The term includes the Chief Inspector :

“Meat” means the flesh of any slaughtered stock, whether such meat is intended to be consumed within the metropolitan abattoirs area or not, and whether the same is in its natural state, or has been subjected to any freezing, chilling, salting, or other preservative process :

“Metropolitan abattoirs area” means the area of jurisdiction of the Corporations of the Cities of Adelaide and Unley, and of the Corporations of the Towns of Hindmarsh, Kensington and Norwood, St. Peters, and Thebarton, and of the District Councils of Burnside, Payneham, Prospect, Walkerville, and

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## PART 1.

and West Torrens, and so much of the area of jurisdiction of the District Council of Mitcham as is defined in the First Schedule hereto, and the areas of jurisdiction and of such other Municipal Corporations and District Councils, or such parts thereof respectively as may hereafter by Proclamation be declared to be within the metropolitan abattoirs area:

“Municipality and Corporation” shall have the respective meanings assigned to them by “The Municipal Corporations Act, 1890”:

“Municipal or District Council” means the Council of a Municipality incorporated or continued under “The Municipal Corporations Act, 1890,” or the Council of a District incorporated or continued under “The District Councils Act, 1887”:

“Prescribed” means prescribed by this Act, or by any regulation thereunder:

“Proclamation” means a Proclamation by the Governor in the *Government Gazette*:

“Public notice” shall mean notice by advertisement in the *Government Gazette*, and in two daily newspapers circulating in the metropolitan abattoirs area:

“Small goods” means any article of food prepared either wholly or in part from small parts of meat:

“Stock” means cattle, including horses, sheep, swine, goats, and poultry of all kinds, and includes all other animals which the Governor may from time to time, by Proclamation, declare to be stock for the purposes of this Act:

“The Mayor” shall mean and include the Mayor of the Corporation of the City of Adelaide, and the person for the time being appointed to perform the duties of the Mayor by reason of his death, absence, or any lawful impediment:

“This Act” includes regulations made under this Act:

“Vehicles” include every description of cart, wagon, truck, barrow, carriage, or other conveyance.

4. (1) The Acts mentioned in the Second Schedule hereto are hereby repealed as regards their operation within the metropolitan abattoirs area to the extent mentioned in such Schedule only. Repeal.  
Second Schedule.

(2) Such repeal shall not affect any liability, forfeiture, or penalty incurred, any offence committed, or anything done or omitted to be done before the passing of this Act, nor any legal proceedings commenced or hereafter to be commenced with respect to such liability, forfeiture, penalty, offence, or thing.

5. Notwithstanding anything contained in the Ordinance No. 8 of 1847, or in the “Licensed Hawkers Act, 1863,” “The Markets Administration and  
construction of Act  
Clauses

*The Metropolitan Abattoirs Act.—1908.***PART I.**

Clauses Act, 1870-71," "The District Councils Act, 1887," "The Municipal Corporations Act, 1890," "The Health Act, 1898," or any Act amending any of the said Acts, this Act shall be administered by the Board, and so far as the said Acts or any of them are inconsistent with this Act, the provisions of this Act shall prevail.

**APPLICATION OF ACT.**

Application of Act.

**6.** (1) The provisions of this Act shall extend to and have full force and effect within the metropolitan abattoirs area.

Metropolitan abattoirs area.

(2) The Municipalities of the Cities of Adelaide and Unley and of the Towns of Hindmarsh, Kensington and Norwood, St. Peters and Thebarton, and the Districts of Burnside, Payneham, Prospect, Walkerville, and West Torrens, and so much of the District of Mitcham as is mentioned in section 3, and such other Municipalities and Districts, or such part thereof respectively as may be defined in any Proclamation under Part VII. of this Act, shall constitute the metropolitan abattoirs area.

Extension of area.

**7.** The limits of the metropolitan abattoirs area may be extended by Proclamation under Part VII. of this Act.

Act not to apply to bacon brought into the abattoirs area.

Victoria, 1852, sec. 5.

**8.** Nothing in this Act shall apply to bacon not derived from swine slaughtered in the metropolitan abattoirs area, but which is brought into the metropolitan abattoirs area from any place outside the same. In this section "bacon" means dried, smoked, or salted flesh of swine.

**PART II.****PART II.****THE METROPOLITAN ABATTOIRS BOARD.**

Duty of Board.

**9.** There shall be a Board, to be called "The Metropolitan Abattoirs Board," which shall be charged with the execution of this Act.

Chairman and constitution of Board.

**10.** (1) The Board shall consist of—

- (a) The Mayor, who shall be *ex officio* Chairman, and
- (b) Six representative members, who shall hold office for two years. None of such representative members need be a member of any of the constituent Corporations or Councils.

One of such representative members shall be appointed by—

- i. The Council of the Corporation of the City of Adelaide:
- ii. The Council of the Corporation of the City of Unley:
- iii. The Councils of the Corporations of the Towns of Kensington and Norwood and St. Peters:
- iv. The Councils of the Corporations of the Towns of Hindmarsh and Thebarton, and the District Council of West Torrens:
- v. The

*The Metropolitan Abattoirs Act.—1908.*

## v. The District Councils of Burnside and Mitcham :

## PART II.

## vi. The District Councils of Prospect, Walkerville, and Payneham :

Provided that the Governor may, by Proclamation, at any time after twelve months from the passing of this Act, alter, increase, or diminish the number of representative members, and the representation of the constituent Corporations and Councils, and may rearrange the groups of constituent Corporations and Councils for the purpose of appointing representative members of the Board.

Representation on Board may be altered.

Such Board shall be a body corporate, and shall have perpetual succession and a common seal.

Perpetual succession and common seal.

(2) The Board by its corporate name may purchase, take, receive, accept, hold, acquire, and possess lands, tenements, and hereditaments (in fee simple or for any term of years or otherwise) and goods and chattels, and may grant, sell, convey, transfer, demise, assign, or otherwise dispose of the same, and may arbitrate or sue, implead, and answer and be sued, impleaded, and answered in all Courts and before all Judges, Magistrates, and arbitrators whomsoever, in all actions, pleas, suits, disputes, causes, and matters whatsoever, and do and exercise all such further acts and powers as may be done and exercised by virtue of the incorporation, and as are by this Act authorised to be done and exercised.

(3) All Courts, Judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument, and shall presume that the same was properly affixed thereto.

11. Each member of the Board shall be paid out of the funds of the Board by way of remuneration for his services the sum of One Pound for each meeting of the Board he attends: Provided that no member shall be paid by the Board more than Fifty-two Pounds in any one year.

Members of Board to be remunerated.

12. The appointment of any member of a Municipal or District Council as a member of the Board shall not disqualify such member from continuing a member of such Council, anything to the contrary contained in any Act of Parliament notwithstanding.

Appointment of member of Council as member of Board not to disqualify him as a Councillor.

13. The Town Clerk of the Corporation of the City of Adelaide, or the person for the time being appointed to perform his duties in consequence of his death, absence, or any lawful impediment, is hereby appointed the secretary and treasurer of the Board during the period of five years from the passing of this Act, and shall during that period be responsible to the Board for the general management of the abattoirs and markets: Provided that the Board may at any time remove such secretary and treasurer and any of his successors in office if in its opinion he becomes incapable or unfit to hold or continue in office, or if he is convicted of any offence punishable by imprisonment.

Secretary and treasurer.

14. (1) Immediately

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## PART II.

Appointment of  
members to represent  
Adelaide and Unley.

**14.** (1) Immediately after the passing of this Act, and before the first day of March, one thousand nine hundred and nine, and again before the second day of March in every second year thereafter, the Councils of the Corporations of the Cities of Adelaide and Unley, and of such other Corporations and Districts as by Proclamation are entitled to separate representation on the Board, shall each appoint a person to be a member of the Board, and so often as the person so appointed shall from any cause whatsoever cease to be a member of the Board, the Council by whom he was appointed shall, within twenty-one days thereafter, appoint a person to fill the vacancy. Notice of every such appointment shall be forthwith given by the Town Clerk or District Clerk of the appointing Council to the Mayor, who shall, as soon as practicable, give notice of such appointment in the *Government Gazette*.

Mayor may appoint  
if Council makes  
default.

(2) If either of the said Councils shall neglect or refuse to make such appointment within the time aforesaid, the Mayor may appoint a person to be a member of the Board, and the person so appointed shall hold office in all respects as if he had been regularly appointed by the defaulting Council.

Nominations.

(3) Immediately after the passing of this Act, and before the first day of January, one thousand nine hundred and nine, and again before the second day of January in every second year thereafter, nominations of candidates willing to act as representatives on the Board of the respective groups of joint constituent Corporations and Councils named in section 10 (subsections III., IV., V., and VI.), or in any Proclamation under that section, shall be made by such Corporations and Councils to the Mayor.

Voting and election.

**15.** (1) The names of persons so nominated shall be forwarded to each Corporation and Council of the group concerned, who shall, before the first day of March following, each vote for a representative from persons so nominated, and advise the Mayor of their vote. If any one or more of the joint constituent Corporations or Councils shall neglect to nominate or join in nominating a candidate, or to vote or to advise the Mayor of their vote by the time aforesaid, such neglect shall not invalidate any election.

(2) In the month of March following every election, and as soon as practicable after each extraordinary election, the Mayor shall, by notice in the *Government Gazette*, declare from the votes before him the names of the persons elected, and such notice shall be conclusive evidence of such election.

(3) When the seat of any elective member has become vacant from any cause whatever other than by effluxion of time, such vacancy shall be filled up by an extraordinary election of a new member, to hold office only for the unexpired portion of the term of his predecessor. On the happening of the vacancy the Mayor shall notify the joint constituent Corporations and Councils concerned, and fix a date not less than three weeks thereafter for such Corporations and Councils to advise him of their votes. The mode of nomination and voting in the case of an extraordinary election shall be the same as nearly as circumstances will admit as in an ordinary election.

(4) In

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## PART II.

(4) In the case of equality of votes among the joint constituent Corporations and Councils, the Mayor shall have a casting vote.

(5) If any of the said groups of joint constituent Corporations and Councils shall neglect or refuse to exercise the rights of nomination and election in manner and within the time hereinbefore provided, the Mayor may appoint a person to be a member of the Board to represent such group of joint Corporations and Councils in default, and the person so appointed shall hold office in all respects as if he had been regularly nominated and elected pursuant to the provisions hereinbefore contained.

Mayor in certain cases may appoint.

(6) The seat of a representative member shall become vacant on —

Vacancies, how caused.

(a) The death, lunacy, or insolvency of the member, or the execution by the member of a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound, or the conviction of the member for an indictable offence:

(b) Resignation by notice in writing, posted or delivered to the Mayor:

(c) Absence of the member from three consecutive meetings of the Board without leave of the Board.

(7) Notice of every appointment made by the Mayor in pursuance of any of the provisions hereinbefore contained shall be given by him in the *Government Gazette* as soon as practicable.

16. The representative members shall hold office until notification of the appointment or election of their successors, and on the expiration of their terms of office shall be eligible for re-appointment or re-election.

Term of office.

17. A quorum shall consist of any four members. If the *ex-officio* chairman be not present within five minutes after the time for which any meeting shall have been convened, or if, having been present, he retires, the members present may, by the votes of the majority, elect any member present to be chairman for that meeting, or until the *ex-officio* chairman arrives, or during his absence, and such chairman, while so acting, shall have and exercise the powers of the *ex-officio* chairman. Every chairman shall have a deliberative vote, and also a casting vote.

Quorum.

Chairman to have a deliberative and a casting vote.

18. (1) The Board shall meet for the dispatch of business in the council chamber, Town Hall, Adelaide, or elsewhere, at such times, not being less than once in every six weeks, as the Board shall from time to time determine. The chairman, in case of emergency, may call a meeting of the Board, and a special meeting shall be held at any time on requisition in writing signed by not less than three members of the Board delivered to the secretary.

Meetings of Board.

(2) Three

*The Metropolitan Abattoirs Act.—1908.***PART II.**

Notice of meetings to be given.

(2) Three days' notice of any ordinary meeting and previous notice of any special or emergency meeting, signed by the secretary, shall be sent to each member of the Board before the time appointed for such meeting; and such notice shall in all cases of special or emergency meetings state the time, place, and business of such meeting.

Power to appoint committees.

(3) The Board may, from time to time, appoint a committee or committees of its members, and may delegate to any such committee such of its powers and duties under this Act as it shall think fit.

Defects in appointment not to invalidate proceedings of Board.

19. No Act or proceeding of the Board shall be invalidated or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding, and all acts or proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or election of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if every such person had been duly appointed or elected and was qualified to be and to act and vote as a member of the Board, and as if the Board had been fully constituted.

Board shall receive fees, penalties, &c.

20. The Board shall receive and recover all fees, dues, and charges, prescribed or otherwise, payable under this Act or under any regulations made in pursuance of the powers herein contained, and the receipt of the secretary or other person duly authorised by the Board in this behalf shall be a sufficient discharge for the same, and all penalties under this Act and the regulations shall, when recovered, be paid over to the Board.

Officers may be appointed.

21. The Board may appoint such superintendents, inspectors, and other officers and servants (not being members of the Board) as they shall deem necessary for enabling the Board to carry into execution the various powers and duties vested in or imposed on it by virtue of this Act, and all persons appointed by the Board shall hold their offices only during the pleasure of the Board.

Payment of salaries.

22. The Board may pay to the secretary and treasurer (whether appointed by this Act or by the Board) and to every person appointed or employed by the Board such allowance, salary, wages, or professional fees as shall seem reasonable or proper, and may pay the premiums on the fidelity and workmen's compensation insurance policies of its officers and servants.

Travelling expenses may be paid.

23. The Board may pay the travelling expenses of members of the Board or of its officers and servants when engaged on the special business of the Board.

Remuneration for information.

24. The Board may remunerate any person giving information of the commission of any offence under this Act to the Board or any of its officers, and may agree with any informer to pay him not more than Twenty-five Pounds per centum of the fine recovered from any person convicted of an offence under this Act upon information given to the Board by such informer.

25. The



*The Metropolitan Abattoirs Act.—1908.***PART II.**

**25.** The Board may promote any Bill before Parliament which it may consider necessary or desirable for the benefit of the metropolitan abattoirs area, and may pay the costs and expenses incurred in so doing either out of its revenue or borrowed money or both, and out of such revenue or borrowed money or both may reimburse any constituent Corporation or Council all moneys expended by such Corporation or Council incidental to the passing of such Bill and this Act and preliminary thereto.

Board may promote Bill.

**26.** Every deed, conveyance, agreement, or instrument which it may be necessary for the Board to execute or sign shall have the seal of the Board affixed thereto, and be signed by the chairman and countersigned by the secretary.

Execution of deeds and instruments.

**27.** The Board shall keep a minute-book in which the proceedings of each meeting and the business performed thereat shall be entered, and the minutes of each meeting shall be signed by the chairman of that meeting, and be confirmed at the next subsequent meeting of the Board.

Minute-book to be kept.

**28.** The custody of the books, journals, records, and all documents whatsoever belonging to the Board shall be in the secretary, who shall not permit any such books, journals, records, or documents to be removed from his office at the Town Hall, Adelaide, or other the office for the time being of the Board, without the express leave or order of the Board or of the chairman.

Custody of books and documents.

**29.** There shall be two auditors of the Board, to be from time to time appointed by the Board. Members of the Board and members of the Council of any Municipality or District within or partly within the Metropolitan Abattoirs Area shall not be eligible for appointment as auditors. Subject to section 21, an auditor shall hold office for one year, and may be reappointed, but shall not hold office for more than two consecutive years. The auditors shall be paid such remuneration as the Board may think fit.

Appointment of auditors.

**30.** The secretary and treasurer shall cause to be kept proper books of account for the purpose of entering all sums of money received and paid on behalf of the Board, which books shall at all times be open to the inspection of the chairman, any member of the Board, or the auditors, and in case of default being made as is mentioned in section 38, of any Mayor or chairman of any of the constituent Corporations or Councils, and any person appointed for that purpose in writing by any such Mayor or chairman.

Proper books of account to be kept.

**31.** The accounts of the Board shall be balanced annually, and drawn up in such form as to distinguish capital from income, with a statement of profit and loss for the year ending the thirtieth day of November in each year, and shall, within thirty days next after that day, be prepared by the secretary and delivered to the auditors for examination.

Accounts to be balanced each year

**32.** The

*The Metropolitan Abattoirs Act.—1908.***PART II.****Auditors' duties.**

**32.** The auditors shall carefully examine such accounts and balance-sheet with the books, papers, and vouchers of the Board, and shall cause the same to be corrected or altered whenever found necessary; and, for the purpose of completing such audit, their duties shall continue until such accounts have been duly examined and audited by them, notwithstanding that their successors may have been appointed.

Balance-sheet to be laid before the Parliament and printed for distribution.

**33.** An account of all moneys received and expended by virtue of and for the purposes of this Act, signed by the chairman and secretary and certified by the auditors, specifying the total sum received from each source of income, and the total annual revenue and the total amounts disbursed under each head of expenditure, and the total annual outlay, made up to the thirtieth day of November in each year, shall, on or before the first day of March next ensuing, be laid before Parliament, if then in Session; otherwise, as soon thereafter as Parliament may be sitting. Such annual account shall, on or before the first day of March, also be printed and published for distribution, or advertised for public information, as the Board may direct.

**PART III.****PART III.****BORROWING POWERS.**

Power to borrow £100,000.

**34.** Notwithstanding anything to the contrary contained in "The Municipal Corporations Act, 1890," "The District Councils Act, 1887," and in any other Act referring to the borrowing powers of Municipal Corporations and District Councils, in addition to and without limiting the powers hereby conferred, it shall be lawful for the Board to borrow, from time to time, and to take up at interest, upon the credit of the constituent Corporations and Councils, any sum or sums of money not exceeding in the whole the sum of One Hundred Thousand Pounds, for all or any of the purposes following, namely, the purchase of land and the erection of abattoirs and markets for stock, and all other works which the Board may consider necessary or advisable in connection therewith, including cool chambers and machinery and the construction of railway sidings.

Debentures.

**35.** All moneys so borrowed shall be raised by the sale of debentures, which shall be in the form or to the effect contained in the Third Schedule hereto. Every such debenture shall be for such period and amount, and issued at such time or times, and on such terms and conditions, and at such rate of interest, as the Board may from time to time determine; and coupons in the form in the said Third Schedule may be annexed to such debentures. The title to every such debenture and every such coupon (whether separated or not from the debenture to which it belongs) shall pass by delivery only without any assignment or indorsement.

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**36.** A certificate under the hands of the chairman, one other member of the Board, and the secretary of the Board, indorsed on any debenture issued under the authority of this Act, and stating that the principal sum thereby secured is part of the amount which the Board, at the date of such certificate, may legally borrow, shall be conclusive evidence of the authority of the Board to borrow the money secured by and to issue such debenture.

Evidence as to  
debentures.

**37.** The money secured by every debenture issued under the authority of this Act, and the interest payable thereon, shall be a charge on the respective general rates of the constituent Corporations and Councils declared, or to be hereafter declared, under the authority of "The Municipal Corporations Act, 1890," and "The District Councils Act, 1887," and on all or any other revenues received or to be received by such Corporations and Councils (other than revenues derived from special and separate rates), and on all the real and personal property of the Board. Each of the constituent Corporations and Councils, as well as the Board, shall be jointly and severally liable for the amount named in such debenture, and the interest payable thereon; and every debenture shall bind the constituent Corporations and Councils, and be as valid and effectual for all purposes as if the same had been executed by the respective constituent Corporations and Councils under the powers contained in "The Municipal Corporations Act, 1890," and "The District Councils Act, 1887."

Security of debentures.

49 Vict., No. 836,  
sec. 3 (Victoria).

**38.** If default be made by the Board in the payment of any debenture or coupon, the holder of such debenture or coupon shall have all the rights of a creditor of the constituent Corporations and Councils and the Board jointly and separately in respect of the money due upon such debenture or coupon, and may apply to the Supreme Court or a Judge thereof for the appointment of a receiver, who, when appointed, shall have the like power of collecting and obtaining payment of the respective general rates, and of all or any other revenues recoverable by such Corporations and Councils (except as is excepted in section 37) and by the Board (or by any one or more of such corporate bodies as shall be specified in the order appointing such receiver) as such corporate bodies respectively would have if such receiver had not been appointed.

Default.

M.C.A., 1890.

**39.** If any of the constituent Corporations or Councils at any time pay or satisfy by any means any debenture or coupon, each of the other constituent Corporations and Councils shall forthwith on demand contribute their proper proportion of the amount so paid or satisfied and of all costs, charges, and expenses incurred by or occasioned to the Corporation or Council so paying or satisfying such debenture or coupon (the amount of such proportion to be determined in the same manner as any contribution towards deficiency is ascertained under section 43, but no certificate shall be necessary). In default of immediate payment on demand of such proportion as aforesaid, the same may be recovered by the Corporation or Council so paying or satisfying such debenture or coupon from

Payment of  
debentures.

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from the other constituent Corporations or Councils in default by action in any Court of competent jurisdiction.

The constituent Corporation or Council so paying or satisfying such debenture or coupon, and each of the constituent Corporations and Councils who shall have paid or satisfied its proportion of such debenture or coupon and costs as aforesaid, shall thereupon immediately become a creditor of the Board for the amount so paid or satisfied, and may recover such amount from the Board by action as aforesaid.

How revenue to be applied.

**40.** (1) All revenue derived by the Board from the abattoirs and markets for stock, and from other sources, shall, so far as practicable, be expended and disposed of by the Board yearly in each financial year as follows:—

- (a) Firstly, in payment of actual expenses:
- (b) Secondly, in payment of interest on borrowed moneys:
- (c) Thirdly, in payment of any amounts the Board may consider necessary for upkeep, maintenance, and repairs of the abattoirs, markets, and other works under the control of the Board:
- (d) Fourthly, in establishing a sinking fund which shall be sufficient to repay all moneys expended in plant and machinery within a period of not more than fifteen years, calculated from the last day of the respective financial years in which the respective expenditures take place, and to repay the whole of the borrowed moneys within a period of not more than thirty years of the respective dates of the respective borrowings:
- (e) Fifthly, in dividing the balance of such revenue (which balance shall be considered profits and is hereafter, in this Act, if divided, called “divided profits”) amongst the constituent Corporations and Councils in manner mentioned in sections 41 and 42: Provided that the Board may in any year carry one-third of such profits to a reserve fund. “Divided profits” shall be treated as mentioned hereafter.

(2) The Board may expend the reserve fund, or any part thereof, in any manner it may deem advisable, and may divide the same, as profits, as aforesaid.

(3) The Board shall, for the purposes of this section, determine what are “actual expenses,” “upkeep,” “maintenance,” “repairs,” “profits,” “plant,” and “machinery,” and its determination shall be final and conclusive for all purposes.

(4) The Board may pay out of borrowed moneys the interest accruing thereon during all or any part of the period of three years from the passing of this Act: Provided that so much of such borrowed moneys as shall be so paid for interest or reimbursed to any

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any constituent Corporation or Council under section 25 shall be restored out of revenue before any division is made pursuant to subsection (e) hereof

**41.** (1) From the passing of this Act, and for six years thereafter, the liabilities of the Board shall be debited in the Board's books to each constituent Corporation and Council, in proportion to the total amount of the annual assessment for rating purposes of each constituent Corporation and Council at the time of the passing of this Act, and the liability of each constituent Corporation and Council shall be clearly shown in the Board's annual balance-sheets. All "divided profits" shall be treated on a similar basis, and shall be paid over to each constituent Corporation and Council at periods to be determined by the Board, such periods to be not less than once in every three years.

How liabilities debited in books of Board, and how profits treated during first six years.

(2) In case a portion only of any Corporation or Council is included in the metropolitan abattoirs area, then for the purposes of this Act the assessment of such portion shall be deemed to be the assessment of such Corporation or Council.

**42.** At the expiry of the said six years, and at the end of every third year thereafter, the liabilities of the Board shall be debited as aforesaid, in proportion to the total amount of the annual assessment of each constituent Corporation and Council at such respective periods, and the liability of each constituent Corporation and Council shall be shown as aforesaid. All "divided profits" shall be treated on a similar basis, and shall be paid over to each constituent Corporation and Council at periods to be determined by the Board, such periods to be not less than once in every three years. The annual assessment and liability of every Municipal Corporation and District Council becoming a constituent Corporation or Council after the passing of this Act shall be ascertained as of the date such Municipal Corporation or District Council became a constituent Corporation or Council, and such assessment and liability shall continue in the case of a Municipal Corporation or District Council becoming a constituent Corporation or Council during the said period of six years until the expiry of that period, and in the case of a Corporation or Council becoming a constituent Corporation or Council after the expiry of that period until the next succeeding triennial period.

How liabilities and profits dealt with after six years.

**43.** (1) Where the revenue of the Board in any one financial year is insufficient to meet the outgoings for that year, the constituent Corporations and Councils shall contribute the deficiency in proportion to the total amount of their annual assessment for the time being as appearing in the books of the Board, and a certificate under the hand of one of the auditors, setting forth the contribution of each constituent Corporation or Council, shall be final and conclusive for all purposes. A copy of such certificate, certified under the hand of the secretary of the Board to be a true copy, shall be posted

Liability of constituent Corporations and Councils for deficiency of receipts.

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posted in a prepaid envelope addressed to each constituent Corporation and Council. The Board shall, for the purposes of this section, determine the amount of "the outgoings," which shall include, *inter alia*, all moneys expended and disposed of under section 40, (a), (b), (c), (d), and such determination shall be final and conclusive for all purposes.

(2) Such contributions may be recovered in the name of the Board in any Court of competent jurisdiction.

Sale through agents.

**44.** The Board may appoint agents to negotiate or contract for the sale of any debentures authorised by this Act, and may directly, or through such agents, sell or negotiate for the sale of any such debentures, and may allow such agents such commission as the Board thinks reasonable.

Redemption of debentures.

**45.** Notwithstanding any provisions of this Act or anything contained in any debenture, any debentures may be redeemed by the Board at their face value (or less), with any unpaid interest added, at the expiration of not less than five years from the date of the issue thereof, or at recurring periods of five years thereafter.

By lot.

**46.** The debentures to be so redeemed shall be decided by lot, to be made in such manner as the Board shall determine, and public notice of their numbers and values and the place appointed for the payment thereof shall be forthwith given by the Board.

Debentures drawn cease to carry interest after certain date.

**47.** The debentures mentioned in such notice shall be redeemed on presentation at the Town Clerk's office, Town Hall, Adelaide, or such other place in Adelaide as the Board may appoint, and from the day fixed by the notice, not being earlier than six months after the date of the giving of the said notice, the debentures therein mentioned shall cease to bear interest.

Cancellation of redeemed debentures.

**48.** All debentures, when redeemed by the Board, shall be forthwith cancelled by the Board, and shall not be sold or re-issued.

Sinking fund.

**49.** The Board shall invest the sinking fund and the reserve fund, and any other moneys in its hands which the Board may deem it advisable or expedient to invest, in any Government securities of all or any one or more of the States of the Commonwealth, in the purchase of any debentures issued under the provisions of this Act, and upon fixed deposits in any incorporated bank in the State of South Australia, or in or upon any one or more of such investments. The interest arising from such investments shall respectively be credited to and form part of the respective funds so invested as aforesaid: Provided, however, that any debentures purchased by the Board shall be forthwith cancelled, and shall not be sold or re-issued.

Banking account.

**50.** The Board may pay any of its moneys into any bank in Adelaide and keep the same there on deposit as may be found convenient, and may, for the purpose of carrying out the provisions of this Act, obtain advances from any bank by overdrafts, either without

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without security, or by pledge of its property, or on other security; but the total amount of such overdrafts shall not at any one time exceed Five Thousand Pounds. No funds shall be withdrawn from any bank except by cheque, signed by the chairman and one other member of the Board, and countersigned by the secretary.

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Overdrafts.

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## ABATTOIRS.

**51.** (1) The Board is hereby authorised to erect and establish abattoirs on land to be acquired, and in connection therewith make, establish, and erect all such railway sidings, buildings, works, cool storage, plant and machinery, and all other erections, fixtures, fittings, and other works as the Board shall, for the time being, consider necessary, and from time to time alter, remove, and extend the same; and the Board may, if it think fit, purchase and remove the existing slaughterhouse and buildings connected therewith erected on the park lands within the City of Adelaide.

Erection of abattoirs.

(2) The Board may let, upon lease or otherwise, any portion of its lands or buildings other than the abattoirs and the markets taken on lease, established, or erected by the Board under Part V. of this Act for a hide and skin market, at such rent, for such term, and upon such conditions as it shall think fit.

Board may let portions of its lands and buildings for hide and skin market.

**52.** The Board shall not accept or purchase any land for the purpose of erecting abattoirs thereon until a site has been agreed upon by a majority of votes of representatives of the constituent Corporations and Councils present at a meeting called for that purpose by the Board.

Site to be selected by representatives of Corporations and Councils.

No site shall be agreed upon which is less than three miles from the nearest boundary of the City of Adelaide.

Each constituent Corporation and Council shall be entitled to appoint one representative to attend such meeting (the members of the Board may act as representatives of their respective Councils, if so appointed, but not otherwise), and every constituent Corporation and Council having an annual assessment of over Fifty Thousand Pounds shall be entitled to appoint one additional representative for each One Hundred Thousand Pounds or portion thereof over the first Fifty Thousand Pounds of its annual assessment. The chairman of such meeting shall be elected by the representatives present thereat, and he shall have a deliberative as well as a casting vote, but each other representative present shall have one vote only. The Board shall give fourteen days' public notice of the time and place of such meeting.

**53.** Forthwith after the erection and completion of the abattoirs the Board shall give not less than thirty days' public notice that such abattoirs will be available for the slaughtering of stock on and after a date to be specified in such notice, and it shall be the duty of the Board to have such abattoirs then and thereafter available accordingly.

Notice that abattoirs available.

New Zealand, 1900, No. 38, sec. 13.

**54.** After

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All stock to be  
slaughtered at  
abattoirs.

Ibid, secs. 17 and 19.

No stock to be  
slaughtered except at  
the abattoirs.

No meat to be sold,  
etc., except of stock  
so slaughtered.

Ibid, ss. 17, 19, Vict.,  
No. 1069, 1890, s. 6.

Vict., No. 1652, 1900  
ss. 12, 30.

Unless carcasses  
inspected.

Imp. Law (Germany)  
of June 3, 1900,  
s. 12.

**54.** After the date specified in such notice, and while such abattoirs are available for slaughtering stock—

- (1) No person shall, within the metropolitan abattoirs area,  
(a) slaughter or allow or cause to be slaughtered any stock for sale for human consumption, or dress or allow or cause to be dressed any carcass for sale, or sell or attempt to sell or expose for sale, or allow or cause to be sold or exposed for sale, any carcass or meat not slaughtered at such abattoirs, or, if slaughtered without the metropolitan abattoirs area, the carcass of which, together with the pleura and the peritoneum, lungs, heart, kidneys, tongue, and such other organs as are prescribed, attached in natural connection, and, in the case of cows, the udder also so attached, has not been first brought to the abattoirs or to some other premises established by the Board for that purpose within Hindmarsh, Gawler, Grey, or Young ward of the City of Adelaide, and inspected and branded by an inspector, as provided in section 70, or (b) slaughter at any slaughter-house or abattoir exempted under section 55 or 80 any stock, except for export or for meat to be tinned or cured for export, or for curing as bacon and ham :

Penalty—First offence, Ten Pounds; second offence, Twenty-five Pounds; and for each succeeding offence Fifty Pounds.

Meat Supervision Act.  
36 Vic., No. 1652.

No flesh of any calf  
less than twenty-one  
days old or under  
forty pounds in weight  
to be sold.

Vict., No. 1652, 1900,  
s. 30 (2).

- (2) No person shall sell or attempt to sell, or expose for sale, or allow or cause to be sold or exposed for sale the flesh of any calf, less than twenty-one days old or of less weight than forty pounds; and in any prosecution under this subsection the onus of proving age shall be on the defendant :

Penalty—First offence, Ten Pounds; second offence, Twenty-five Pounds; and each succeeding offence, Fifty Pounds.

- (3) Where, in contravention of the provisions of subsection (2) of this section, any person sells or attempts to sell, or exposes for sale, or allows or causes to be sold or exposed for sale the whole or any part of the carcass of any calf, such carcass or part shall be deemed to be a carcass or meat which is subject to the provisions of section 61 of this Act, and may be seized and dealt with, as provided in such section :

- (4) No person shall be liable to any punishment for any offence against this section in respect of any meat or carcass, or part of a carcass, which he proves to the satisfaction of the Court was not sold or intended to be used for human consumption :

- (5) Nothing in this Act shall protect any person who sells or attempts to sell or exposes for sale, or allows or causes to be sold or exposed for sale, for human consumption, any carcass or meat which has become unwholesome after the same has been branded, or any imported meat that is unwholesome :

(6) For



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(6) For the purposes of this section such abattoirs shall be deemed to be available for slaughtering stock at all times except during such times as the Board shall by public notice declare such abattoirs to be closed to the slaughtering of stock:

(7) It shall not be an offence under this Act to slaughter poultry elsewhere than at the abattoirs, or to sell or expose or offer for sale within the metropolitan abattoirs area, any poultry so slaughtered.

No offence to slaughter poultry elsewhere than at abattoirs.

**55.** On the day specified in any such notice given pursuant to section 53 hereof, all private abattoirs or slaughter-houses within the metropolitan abattoirs area shall be closed by the owner, occupier, or person having the control or management thereof, notwithstanding the fact that licences in respect thereof have been issued by any of the constituent Corporations or Councils or by any Board of Health. And after such day specified as aforesaid no constituent Corporation or Council shall, nor shall any Board of Health, save as is in this section provided, issue any licence or licences for the slaughtering of stock: Provided that this section shall not apply to any slaughter-house or abattoir used or intended to be used only for the purpose of slaughtering stock for export, or for meat to be tinned or canned for export, or for curing bacon and hams.

Private abattoirs closed.

**56.** (1) Compensation shall be paid to the owners of all private abattoirs and slaughterhouses closed by the operation of the next preceding section, and which were in use as abattoirs or slaughterhouses at the time of the passing of this Act: Provided that no compensation shall be paid in respect of any abattoir or slaughterhouse which is not suitable for use as such; and that in estimating the compensation to be paid in respect of any abattoir or slaughterhouse a fair deduction shall be made on account of the value of the buildings and equipment thereof for any other purpose, and that nothing shall be allowed for goodwill or loss of business: And provided further that the aggregate of the amounts to be paid by way of compensation shall not exceed the sum of Seven Thousand Pounds.

Compensation to owners of slaughterhouses.

(2) Any compensation to be paid in respect of any abattoir or slaughterhouse shall be paid by the Board out of any of its moneys, including borrowed moneys.

(3) No claim for compensation shall be considered, nor shall any amount be paid in respect thereof, unless within twenty-one days after the publication in the *Government Gazette* of the notice given pursuant to section 53 hereof, the claimant delivers to the secretary of the Board a notice in writing, stating the amount and particulars of his claim and the premises in respect of which such claim is made.

Claims for compensation to be made within twenty-one days.

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Valuer to be appointed  
by the Government.

(4) The Governor shall, as soon as practicable after the publication of the notice given pursuant to section 53 hereof, appoint a valuer to determine all claims for compensation made in accordance with this section. The fees and expenses of such valuer shall be fixed by the Governor and paid by the Board.

Duties of valuer.

(5) The valuer shall consider and inquire into all claims made as aforesaid, and shall as to each claim determine, by writing under his hand delivered to the Commissioner of Crown Lands, whether any and (if any) what amount is payable under subsection (1) of this section in respect thereof; and in making each determination the valuer shall have regard to the limit of Seven Thousand Pounds fixed by the said subsection (1).

Valuer to determine  
reductions in rent.

(6) If any abattoir or slaughterhouse in respect of which the valuer determines that compensation is to be paid is let at the time of the determination, the valuer shall also determine, by writing under his hand delivered to the said Commissioner, what reduction ought to be made in the rent; and the rent accrued or to accrue for any period after the closing of the abattoir or slaughterhouse shall be reduced accordingly: Provided that if any reduction is made under this subsection in the rent of any premises, the lessee or his successor in title shall have the option of continuing the lease at the reduced rent or of cancelling the lease.

No appeal from de-  
termination.

(7) Any determination by the valuer under subsection (5) or subsection (6) of this section shall be absolutely final and not subject to any appeal or to be questioned in any way whatever.

Slaughtermen to be  
licensed by Board.

**57.** No person shall act or be permitted to act as slaughterman, or as attendant or assistant to any slaughterman, at the abattoirs, unless and until and so long as he is licensed by the Board. The licence shall be granted for a period of not more than one year, and the fee for a slaughterman's licence shall not exceed Two Pounds Two Shillings, and for an attendant's or assistant's licence Ten Shillings; and no person under the age of seventeen years shall be licensed as a slaughterman's attendant or assistant: Provided that the Board may employ slaughtermen, attendants, and assistants at the abattoirs without licensing them.

Penalty, Ten Pounds.

Licence may be  
cancelled by Board.

**58.** (1) Any licence issued under the last preceding section may be cancelled by the Board if the licensee shall omit forthwith to report to an inspector any case of disease which manifests itself in any stock slaughtered by such licensee, or for incapacity, misconduct, insobriety, or dirty habits.

(2) The secretary of the Board may at any time suspend the operation of the licence of any licensee alleged to be incapable, or guilty of misconduct, insobriety, or dirty habits, until the next meeting of the Board.

Licensed slaughter-  
men to report disease  
discovered in stock.

**59.** If any licensed slaughterman shall discover any disease in any stock slaughtered by him and shall fail forthwith to report the same

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same to an inspector, he may be instantly dismissed by the secretary, and shall, in addition thereto, be liable to a penalty of Ten Pounds.

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**60.** For the purpose of preventing the consumption of meat that is diseased— Inspection of live-stock and carcasses.

- (1) It shall not be lawful for any person to slaughter any stock at the abattoirs without the consent and except in the presence of an inspector:
- (2) If the carcass of any stock slaughtered at the abattoirs is, after *post-mortem* examination, found to be diseased, notice thereof in writing shall be given to the owner, his servant, or agent, as soon as practicable; and if such owner, servant, or agent shall, within four hours from the receipt of such notice by writing under his hand given to the Chief Inspector or Superintendent of the abattoirs, dispute the fact that such carcass is diseased the Chief Inspector or Superintendent shall forthwith appoint an independent veterinary surgeon to inspect such carcass, whose decision, certified in writing, shall be final. If the decision of the veterinary surgeon is that the carcass is diseased, the fee payable to him for inspection shall be paid by such owner upon demand, and if not so paid shall be recoverable from him in any Court of competent jurisdiction; but if otherwise, then such fee shall be paid by the Board. Should no dispute arise within such four hours the carcass shall be disposed of pursuant to section 61. The provisions of this subsection shall apply to great cattle only:
- (3) Forthwith, upon the slaughter of any stock at the abattoirs, the carcass shall be inspected by an inspector, and no meat shall be moved therefrom unless and until he declares it to be free from disease, or unless as hereinafter provided.

Penalty, Fifty Pounds for each offence.

**61.** Whenever, on the slaughter of any stock, it is found that such stock is diseased, it shall be the duty of an inspector, subject to subsection (2) of the next preceding section hereof, to forthwith cause the carcass, or such part thereof as such inspector may deem advisable, to be burnt or so dealt with that the same cannot be used for consumption by human beings or by carnivorous or omnivorous animals; and the Board shall make such allowance to the owner of such stock as it considers just in all cases where such carcass is treated by the Board as a by-product.

Mode of dealing with diseased stock after slaughter.

**62.** No person shall within the metropolitan abattoirs area—

- (a) Keep or use any house or place, except as provided by section 55 hereof, for the purpose of slaughtering or killing any stock or for boiling down any part of the carcass of any stock for food for carnivorous or omnivorous animals; or
- (b) Feed

Prohibition against slaughtering, &c.

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- (b) Feed any carnivorous or omnivorous animal with any part of the carcass of any stock which shall not have been slaughtered at the abattoirs, whether the same shall have been boiled down or not ; or
- (c) Sell or supply for food for carnivorous or omnivorous animals any part of the carcass of any stock not slaughtered at the abattoirs, whether boiled down or not:

Provided that this section shall not apply to stock killed at the Zoological Gardens for consumption by animals thereat.

Duty of owners, &c.  
of stock dying.

**63.** The owner or person in charge of any stock which shall die within the metropolitan abattoirs area, or be killed at any place within such area other than at the abattoirs, shall, within twenty-four hours from the death or killing of such stock—

- (a) Apply to an inspector for leave to bury the carcass of such stock, and if leave be granted bury the same as directed by and under the supervision of an inspector ; or
- (b) Convey the carcass of such stock to the abattoirs to be disposed of as an inspector shall direct :

Provided that this section shall not apply to poultry or to stock killed at the Zoological Gardens for consumption by animals thereat.

Carcasses slaughtered  
to be branded.

**64.** (1) The Board shall from time to time cause all carcasses (except carcasses of diseased stock) slaughtered at the abattoirs, and the part of any carcass removed therefrom, or from the other premises mentioned in section 54, to be branded as may appear expedient.

Unbranded carcasses  
not to be sold or  
exposed for sale.

(2) Any person who shall sell or expose for sale a carcass or portion of a carcass which has not been branded as required by this Act, shall be liable to a penalty of Fifty Pounds.

Unlawful branding or  
defacing brands.

Vict. Act, sec. 33.

**65.** Any person who, without being able to give a satisfactory account thereof, affixes or implants, or attempts to affix or implant, or causes or allows to be affixed or implanted any brand purporting to be a brand under this Act upon any carcass or meat, and any person who, without being able to give a satisfactory account thereof, removes or defaces or attempts to remove or deface, or causes or allows to be removed or defaced any brand placed on a carcass pursuant to this Act, shall be liable on conviction to a penalty not exceeding One Hundred Pounds, or to be imprisoned for any term not exceeding twelve months.

Buildings may be  
entered where stock  
or carcass is supposed  
to be.

**66.** (1) Any officer of the Board, or any inspector, or any member of the police force, or any special constable or district constable may at any time enter into and upon any place, building, or premises in the metropolitan abattoirs area where any stock or carcass may be,

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## PART IV.

be, or be supposed to be, and any such officer; inspector, member, or constable may, for the purposes of identification, make such mark as he deems fit on any carcass or meat in respect of which he is of opinion that any provision of this Act is not being fully complied with.

(2) Any person who delays or obstructs any such officer, inspector, member, or constable in the exercise of any power conferred by this section, or who without the authority of an inspector removes or defaces any such mark, shall, for each such offence, be liable to a penalty of not more than Ten Pounds.

**67.** (1) Any officer of the Board, or any inspector, or member of the police force, or any special or district constable may seize any carcass that does not appear to him to have been branded, or any meat that does not appear to him to be derived from a carcass that has been branded, in case the carcass or the meat is either exposed for sale or in the possession of any person, apparently for the purpose of sale for human consumption, and such officer, inspector, member, or constable, if he shall think it desirable so to do, may remove any carcass or meat so seized.

Power to seize unbranded carcasses.

Victorian Act, 1862, sec. 43.

(2) Any person claiming any carcass or meat so seized may, within forty-eight hours after such seizure, complain thereof to any Justice, and such complaint may be heard and determined before a Special Magistrate or any two Justices in Adelaide, who may either confirm or disallow such seizure, and may order the carcass or the meat seized to be destroyed, and may make such order as regards costs as he or they shall think just.

Persons affected may make complaint.

(3) The onus of proof that any carcass or meat seized was not intended for sale for human consumption, or that it had been branded or formed part of a carcass that had been branded in accordance with the provisions of this Act, shall be upon the complainant.

Onus of proof.

(4) In the event of no such complaint being made within forty-eight hours after such seizure, or of such seizure being confirmed, the carcass or the meat as to the seizure of which no complaint has been made, or the seizure of which has been confirmed, shall thereupon become the property of the Board: Provided that any carcass or any meat condemned by any inspector shall be disposed of as provided in section 61 hereof, or as the Secretary of the Board may direct.

Where no complaint, carcass to become the property of the Board.

(5) In the event of any person without the authority of the Board removing or taking away any carcass or meat so seized, such person, in addition to any other punishment to which he may be liable, shall be deemed and taken to be guilty of an offence against this Act.

Offence for removing carcass without authority.

(6) Any person who refuses to give information, or gives false information, in answer to any inquiry made in the course of his duty by any inspector or officer of the Board, member of the police force, or special or district constable shall be liable on conviction to a penalty of Five Pounds.

Persons refusing information liable to penalty.

(7) It

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Members of police  
force to report  
breaches of Act.

(7) It shall be the duty of every member of the police force and every special constable and every district constable who finds any person committing a breach of any of the provisions of this Act to demand from such person his name and place of abode, and to report the fact of such breach and the name and place of abode of such person as soon as may be to the secretary of the Board.

Penalty for refusing  
name and address.

(8) Any person who refuses to state his name and place of abode or states a false name or place of abode, shall be liable on conviction to a penalty of Five Pounds.

Board may deliver  
or contract for the  
delivery of meat.

**68.** The Board may deliver or contract for the delivery of meat slaughtered at the abattoirs, for such remuneration and upon such terms as it shall think fit.

Blood, &c., to be  
rendered merchant-  
able.

**69.** The Board shall cause all by-products to be treated and rendered merchantable by means of desiccators, digesters, or such other means as the Board shall think fit.

Meat slaughtered  
without the  
metropolitan abattoirs  
area to be inspected  
at abattoirs.

**70.** It shall be the duty of the Board to cause all carcasses slaughtered without the metropolitan abattoirs area, and brought to the abattoirs or other premises mentioned in section 54 for examination, to be examined by an inspector, upon payment of such reasonable fees as shall be from time to time fixed by the Board, and if upon such examination such carcasses shall be found to be free from disease the inspector shall give a certificate in writing to that effect, and brand the same, but if found to be diseased the same shall be retained and disposed of in manner mentioned in section 61: Provided that no such examination shall be made, or certificate given, or brand implanted in respect of any such carcass unless there is attached thereto in natural connection when brought for examination the pleura and the peritoneum, lungs, heart, kidneys, tongue, and such other organs as are prescribed, and, in the case of cows, the udder also: Provided also that the carcasses of stock (with the exception of calves) may be cut in halves.

**PART V.****PART V.****MARKETS FOR STOCK.**

Establishment of  
markets.

**71.** The Board is hereby authorised and empowered to erect and establish markets for the sale of stock on land to be acquired, together with all such railway sidings, buildings, pens, yards, races, plant, works, machinery, and appurtenances as the Board may consider necessary, and from time to time to alter, remove, and extend the same, and the Board may, if it think fit, lease the existing markets for stock, and the buildings and appurtenances connected therewith situated on North Terrace and on the park lands within the City of Adelaide, and may purchase and remove all or any part of such buildings and appurtenances.

Public notice to be  
given when markets  
ready.

**72.** Forthwith after leasing the existing markets and also after the erection of new markets for the sale of stock, the Board shall give

*The Metropolitan Abattoirs Act.—1908.*

give public notice that such markets respectively will be available for the sale of stock on and after a day to be specified in such notice; and it shall be the duty of the Board to have such markets then and thereafter available accordingly, but the leased markets shall only remain markets for the sale of stock until such new markets are erected.

## PART V.

**73.** After the date specified in any notice given under the next preceding section, the control of the markets for stock by the Corporation of the City of Adelaide shall cease, and all Proclamations in the *Government Gazette* respecting the same shall be of no further force or virtue and the markets established, erected, or leased by the Board in pursuance of this Act shall be public markets for the sale of stock, and shall be under the control of the Board, and no other markets for the sale of stock shall be established, erected, or proclaimed within the metropolitan abattoirs area, any provision to the contrary in any Act of Parliament notwithstanding.

**74.** All by-laws and regulations affecting the said slaughter-house and the markets for stock, hitherto controlled by the Corporation of the City of Adelaide, and which are in force at the time of the passing of this Act, shall have full force and effect as regards such slaughter-house and markets, as well as the abattoirs and markets to be established by the Board under this Act, until by-laws and regulations are made under or in pursuance of this Act.

Present by-laws and regulations to remain in force until new by-laws and regulations made.

## PART VI.

## POWER TO TAKE LAND, ETC.

## PART VI.

**75.** For the purposes of this Act the Board may compulsorily take land within the metropolitan abattoirs area (except park lands or public reserves and lands subject to the public right of way), and, with the consent of the Governor, land in any part in the State of South Australia.

Power to take land compulsorily.

**76.** Part XII. of "The Municipal Corporations Act, 1890," shall, *mutatis mutandis*, apply in all cases where the Board requires land for works and undertakings as if the same were set out in this Act.

Part XII. of Act 497 of 1890 to apply.

**77.** The Lands Clauses Consolidation Acts, except sections 110, 114, 115, 116, 117, and 118 of the Ordinance No. 6 of 1847, are incorporated with this Act, and shall take effect with regard to all works and undertakings which the Board is by any part of this Act authorised to construct, and the Board taking lands for such purposes shall be regarded as the promoters of an undertaking and this Act as the special Act within the meaning of such incorporated Acts: Provided that for the purposes of section 13 of Act No. 202 of 1881 there shall be deemed to be no such special Act.

Lands Clauses Consolidation Acts incorporated.

## PART

## PART VII.

## PART VII.

## EXTENSION OF THE METROPOLITAN ABATTOIRS AREA.

Other suburban  
Councils may use  
abattoirs after  
Proclamation.

**78.** The Governor may, by Proclamation (subject to the proviso contained in section 10), upon a request in writing being made to him by any Municipal Corporation or District Council whose Municipality or District is contiguous to the metropolitan abattoirs area that it desires to become a constituent Corporation or Council, declare that such Corporation or Council, shall be a constituent Corporation or Council, and that the provisions of this Act shall, from a date to be mentioned in such Proclamation (such date being the commencement of a financial year) apply within the Municipality or District, or portion of the Municipality or District, to be also therein mentioned, of such Corporation or District Council. Such request shall define the Municipality or District or portion of the Municipality or District under the jurisdiction of such Municipal Corporation or District Council within which it is desired that the provisions of this Act shall apply, but no such request shall be made to the Governor until all terms and conditions are mutually agreed upon between the Board and the constituent Corporations and Councils for the time being affected by this Act, and the Municipal Corporation or District Council desiring to become a constituent Corporation or Council.

Proclamation to be  
published.

**79.** Such Proclamation shall define the Municipality or District or portion of the Municipality or District within which the provisions of this Act are to apply, and shall be published in the *Government Gazette*, and after the date therein fixed for the provisions of this Act to apply the Municipal Corporation or District Council named therein shall become a constituent Corporation or Council (as the case may be) and the Municipality or District or portion of the Municipality or District defined in such Proclamation shall form part of the metropolitan abattoirs area.

Private abattoirs or  
slaughter-houses to be  
closed in added area.

**80.** After the time fixed by Proclamation for this Act to apply to any Municipality or District or portion of any Municipality or District, all private abattoirs or slaughter-houses within the Municipality or District or portion of the Municipality or District defined in such Proclamation shall be closed by the owner, occupier, or person having the control or management thereof. And after such time as aforesaid no such Municipal Corporation or District Council shall, save as in this section provided, issue any licence or licences for the slaughtering of stock within such Municipality or District, or such portion thereof to which this Act shall be proclaimed to apply: Provided that this section shall not apply to any slaughter-house or abattoirs established, or to be established within the limits of its Municipality or District or such portion thereof as aforesaid, if such slaughter-house or abattoirs is or are used or intended to be used only for slaughtering stock for export, or for meat to be tinned or canned for export, or for curing bacon and hams.

PART



*The Metropolitan Abattoirs Act.—1908.*

## PART VIII.

## PART VIII.

## REGULATIONS.

**81.** The Board may from time to time make regulations for the purpose of carrying into effect all or any of the objects or purposes expressed or implied in this Act, or incidental thereto, or anywise in connection therewith; and without limitation of or derogation from the foregoing general power, the Board may also make regulations for all or any of the following purposes:—

Regulations.

Victorian Act, sec. 44.

- (1) Prescribing the conditions on which stock may be received into or supplied or removed from the abattoirs:
- (2) Prescribing the duties of inspectors, superintendents, clerks, mechanics, slaughtermen, and other officers and servants of the Board, and for regulating and enforcing the due performance of such duties:
- (3) For licensing and registering persons engaged in tending and slaughtering stock, and in dressing carcasses at the abattoirs:
- (4) Prescribing the time for slaughtering stock, for the feeding, watering, and tending, and the preventing of cruelty to and overcrowding of stock at the abattoirs, and for the milking of milch stock at the abattoirs:
- (5) For examining stock and carcasses by inspectors and veterinary surgeons, and prescribing the mode of dealing with stock at the abattoirs when suspected of being affected with disease, and of dealing with carcasses and meat found to be so affected:
- (6) Prescribing the mode of slaughtering animals and of flaying and dressing carcasses:
- (7) For examining by inspectors the different parts of a carcass after slaughter at the abattoirs, and for preventing the parts of one carcass being mixed with those of another prior to examination:
- (8) For examining by inspectors of carcasses slaughtered without the metropolitan abattoirs area, and for prescribing what organs must be attached to such carcasses of various animals, and how attached, and as regards the examining of carcasses elsewhere than at the abattoirs, prescribing the place at which and the days and times when such carcasses will be received for that purpose;
- (9) For the branding or marking of carcasses and of any part thereof:
- (10) Fixing the rates of slaughtering fees or of dues payable for the use of the abattoirs and of the markets, under Part V. of this Act, and of sustenance fees for stock:
- (11) Fixing the fees for examining stock, for examining and branding of carcasses, and for giving certificates as to any examination

*The Metropolitan Abattoirs Act.—1908.***PART VIII.**

examination of stock or any carcass or meat made by or under the direction of an inspector:

- (12) Prescribing the mode of removing condemned carcasses or meat, and of rendering the same unusable for human consumption, or for consumption by carnivorous or omnivorous animals, and of disposing of or destroying the same, and the fees payable in respect thereof:
- (13) Prescribing the mode of removing, dealing with, and disposing of blood, offal, garbage, refuse matters, and manure from the abattoirs, and the disposal of hides, skins, hair, hoofs, and horns of stock slaughtered thereat:
- (14) For securing the cleanliness and wholesomeness of carcasses or meat from the time of slaughtering the stock until the delivery of the same to the retail buyer:
- (15) For securing the cleanliness and wholesomeness of casings used in the making up of small goods, and for preventing the admixture in small goods of substances deleterious to health:
- (16) For maintaining the cleanliness of the abattoirs and of appliances used thereat, and the cleanliness of the clothing of persons engaged therein or slaughtering or dressing carcasses therein:
- (17) For preventing persons affected with communicable disease being employed in the handling of carcasses or meat:
- (18) For stopping temporarily the manufacture of and the sale of small goods in circumstances in which danger to the consumer is apprehended owing to uncleanness, or to the presence of infection on, about, or near the premises where such manufacturing or sale is carried on:
- (19) For maintaining the cleanliness of meat markets, meat stalls, butchers' shops, small goods manufacturing houses, or places used for selling, preserving, freezing, chilling, or storing meat, and premises appurtenant to any of such markets, stalls, shops, houses, places, and premises, and of appliances used thereat, and for the removing of blood, offal, garbage, refuse matters, and manure therefrom, and for maintaining the cleanliness of vehicles and receptacles used for conveyance of carcasses or meat:
- (20) For prohibiting the carriage or delivery of meat in open vehicles:
- (21) For regulating or prohibiting the hawking of meat in the metropolitan abattoirs area, or in any part thereof:
- (22) For prohibiting the carriage of meat with other goods:
- (23) For providing for the keeping of books recording the number of each kind of stock daily slaughtered and the brands and other particulars the Board may consider necessary:
- (24) For

*The Metropolitan Abattoirs Act.—1908.*

(24) For the general regulation and management of the abattoirs and markets for stock, for the cleansing, occupying, and using the same, or any parts thereof, for ordering and governing the persons appointed at such abattoirs and markets, and all other persons, coming and resorting thereto, the tolls, dues, and fees to be received thereat, the maintenance of good order therein, and all matters which concern or relate to such abattoirs and markets :

(25) For ordering and regulating the mode and conduct of proceedings at the meetings of the Board and its committees.

## PART VIII.

**82.** Any regulation may impose any penalty not exceeding Twenty Pounds for the breach or non-observance of the same or of any regulation, or in the case of a continuing breach, not exceeding Two Pounds for each day that the breach is continued.

Limit of penalties.

**83.** All regulations made under this Act shall be subject to the approval of the Central Board of Health and the confirmation of the Governor, and when confirmed by the Governor shall be published in the *Government Gazette*, and shall thenceforth have the force and effect of law.

Regulations to be confirmed by Governor.

**84.** The *Government Gazette* containing any such regulations shall be conclusive evidence of the due making thereof.

Gazette evidence of regulations. Health Act, 1898, sec. 154.

**85.** (1) A person desiring to dispute the validity of a regulation may apply to the Supreme Court, upon affidavit, for a rule calling upon the Mayor to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

Regulations unchallengeable unless quashed. Cf. Act 945, 1907 s. 141.

(2) The said Court may make absolute or discharge the said rule, with or without costs.

(3) All regulations, unless and until so quashed, shall have the same effect as if enacted in this Act.

(4) No regulation shall be challenged or disputed in any other manner.

## PART IX.

## PART IX.

## MISCELLANEOUS.

**86.** Every person commits an offence against this Act who directly or indirectly, by himself, his servant, or agent—

Definition of "offence."

(1) Does anything declared by this Act to be unlawful:

(2) Fails to faithfully perform or observe any duty or obligation imposed by this Act:

(3) Prevents, obstructs, or hinders any employé, inspector, or other officer of the Board, or any member of the police force, or any special or district constable in the exercise of any power or function conferred by this Act.

**87.** (1) The

*The Metropolitan Abattoirs Act.—1908.*

## PART IV.

## Penalties.

**87.** (1) The penalties referred to at the foot of any of the sections or subsections indicate that the contravention of the section or subsection, whether by act or omission, shall be an offence against this Act, punishable upon conviction by a penalty not exceeding the sum mentioned, and where there is no specified penalty for an offence against this Act, then, in case of such offence, the offender shall be liable, upon conviction, to a penalty of not exceeding Twenty-five Pounds.

29 of 1883-4.

(2) The minimum penalty for any offence against this Act shall be one-tenth of the maximum penalty for such offence, and in no case shall section 25 or 32 of "The Justices Procedure Amendment Act, 1883-4," apply or be brought into operation in any way in any proceedings under this Act or any regulation hereunder.

In proceedings for penalties knowledge presumed until contrary proved.

**88.** Whenever in any proceedings for a penalty in respect of any offence against this Act knowledge on the part of the defendant must be shown, such knowledge shall be presumed until the contrary is proved.

Recovery of charges.

N.Z., No. 38, 1900,  
s. 18 (6).

**89.** If default be made by any person in the payment of any fees, dues, tolls, or charges, the Board, or any person authorised by the Board, or the secretary, or any inspector in his own name, may, at any time after such default, recover the same by action in any Court of competent jurisdiction or by complaint before any Court of summary jurisdiction, or by distress upon any property at the abattoirs or the markets for stock respectively belonging to the defaulter in like manner as in the case of rent in arrear.

Abattoirs to continue under provisions of Health Act.

**90.** The abattoirs shall, subject to this Act, be under the provisions of "The Health Act, 1898."

Hearing of complaints and informations.

S.A. Health Act,  
1898, secs. 156-7.

**91.** All complaints and informations shall be heard and determined in a summary way before a Special Magistrate or any two or more Justices, and all penalties when recovered shall be paid over to the Board.

Legal proceedings, in whose name.

Ibid., s. 158.

**92.** All complaints, informations, and legal proceedings may be preferred, prosecuted, or defended in the name of the Board, or of the secretary, or of any inspector employed by the Board.

Authority.

Ibid., s. 159.

**93.** All proceedings shall be instituted by the authority of the Board or the secretary. Every such authority may be either general or particular, and may be proved by the production of any writing purporting to be under the hand of the secretary.

Proof.

Ibid., s. 160.

**94.** It shall not be necessary in any legal proceedings to prove the existence or constitution of the Board or the appointment of the secretary, or of any inspector or officer of the Board, or any member of the police force, or any special or district constable, and a certificate under the hand of the secretary or the oath of any inspector

*The Metropolitan Abattoirs Act.—1908.*

spector or officer shall be sufficient evidence of the boundaries of the metropolitan abattoirs area until the contrary be proved, and any Proclamation or notice thereof in the *Government Gazette* shall, unless shown to have been repealed, be conclusive evidence.

## PART IX.

**95.** Copies of or extracts from any book sealed with the seal of the Board and certified by the secretary to be true copies of or extracts from such book, shall be received as sufficient evidence in all Courts and before all Justices and tribunals of the contents of such book, or of so much thereof as such extracts contain.

Contents of books may be proved by certified copies.

Cf. Act 913, 1906. s. 101.

**96.** Any notice, summons, writ, or legal process whatsoever, civil or criminal, may be served upon the Board, or upon any of the constituent Corporations and Councils, by leaving the same at the principal office of the Board, Corporation, or Council with some officer or servant of the Board, Corporation, or Council.

Service of notices, etc., upon the Board.

Ibid, s. 111.

**97.** (1) Every notice by this Act required to be given by or to the Board shall be in writing, and signed by some duly authorised person; and such notice shall be deemed to have been duly given if left at the office or principal office of the Board, authority, or person to whom the same is intended to be given, or the last known place of abode in South Australia of such person, or if posted in a prepaid registered letter, addressed to the Board, authority, or person, at its or his office or principal office, or at the last known place of abode in South Australia of such person.

Service of notices.

Ibid, s. 112.

(2) If such notice is so posted, it shall be deemed to have been given at the last moment of the day on which the same ought to be delivered at such office, or principal office, or such place of abode, in the ordinary course of post.

Time of service.

**98.** Whenever it is necessary, on the hearing of any information for any offence against the provisions of this Act, or against any regulation hereunder, to prove service of any notice, an affidavit of the service of such notice, sworn before a Commissioner for taking affidavits in the Supreme Court, or a declaration of such service made before a Justice of the Peace shall be sufficient proof of such service.

Proof of service.

Ibid, s. 113.

**99.** Every order, summons, notice, or other such document requiring to be authenticated by the Board, or by any of the constituent Corporations and Councils, may, except when otherwise provided, be sufficiently authenticated without the common seal of the Board, Corporation, or Council if signed by a member of the Board in the one case, or by two Councillors or the Town Clerk or District Clerk in the other.

Authentication of certain documents.

Ibid. s. 114.

**100.** There shall be an appeal from any decision of any Special Magistrate or Justices to the Local Court of Adelaide of Full Jurisdiction.

Appeals.

Ibid, s. 162.

**101.** Such

*The Metropolitan Abattoirs Act.—1908.***PART IX.**

Procedure on ap-  
peals.

*Ibid*, s. 163.

Costs.

*Ibid*, s. 164.

Case for opinion of  
Supreme Court.  
*Ibid*, s. 165.

Procedure on special  
case.

*Ibid.*, sec. 166.

**101.** Such appeal shall be regulated by Ordinance No. 6 of 1850, and “The Justices Procedure Amendment Act, 1883-4,” or any other Acts consolidating or amending the same.

**102.** Such Local Court may make any order as to costs as it shall think fit.

**103.** Such Local Court may state a special case for the opinion of the Supreme Court.

**104.** The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make any order as to the costs of the proceedings in the Courts below.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

*The Metropolitan Abattoirs Act.—1908.*

## SCHEDULES.

## THE FIRST SCHEDULE.

The whole of the area of jurisdiction of the District Council of Mitcham except the portion thereof lying to the south of a line drawn due east and west at a distance of five miles in a direct line due south of the General Post Office, Adelaide, the western end of such line being on the Southern Railway line, and from that point lying to the east of the said railway line to its most southerly point in the said area of jurisdiction, and thence lying to the east of a line drawn due south to the boundary of the said area of jurisdiction.

## THE SECOND SCHEDULE.

## ACTS REPEALED.

Reference to Acts.	Title.	Extent of Repeal.
No. 5 of 1840 .	An Act to regulate the Slaughtering and prevent the Stealing of Cattle	Sections 1, 2, 3, 4, 5, 6, 7, 8, 15, and 16
No. 2 of 1844 .	An Ordinance to authorise the levying of Fees on the Slaughtering of Cattle in South Australia	The whole
No. 419 of 1887	The District Councils Act, 1887 . . . . .	Sections 258 and 259
No. 863 of 1904	The District Councils Amendment Act, 1904	Sections 29 and 30
No. 497 of 1890	The Municipal Corporations Act, 1890 .	Sections 182 and 183, section 184 as regards the word "slaughter-house" only, and section 314 as regards all the words from and including "For the regulation of slaughter-houses" to and including "therefor, or for slaughtering cattle"
No. 833 of 1903	The Municipal Corporations Amendment Act, 1903	Subdivision XIII. of section 14, and section 15
No. 711 of 1898	The Health Act, 1898 . . . . .	Sections 95, 96, 97, 98, 99, 100, 101, 102, and 103

## THE THIRD SCHEDULE.

## FORM OF DEBENTURE.

Sec. 35.

## SOUTH AUSTRALIA.

"The Metropolitan Abattoirs Act, 1908."

The Metropolitan Abattoirs Board in consideration of the sum of pounds paid to the Board hereby binds itself to pay to the bearer for the time being of this debenture the sum of pounds, and to the bearer or bearers for the time being of the coupons annexed hereto interest upon the said sum at the rate of per centum per annum, such interest to be payable on the day of and the day of in every year, and the principal to be paid on the day of in the year or on such sooner day as shall be specified in notice given in pursuance of the above-mentioned Act for the redemption of this debenture. The

The general rates of the constituent Corporations and Councils declared or hereafter to be declared under the authority of "The Municipal Corporations Act, 1890," and "The District Councils Act, 1887," and any other revenues received or to be received by such Corporations and Councils (except such as are exempted in clause 37 of "The Metropolitan Abattoirs Act, 1908,") and all the real and personal property of the Board, shall be a security to the bearer for the time being of this debenture until the said principal sum be satisfied, and to the bearer or bearers for the time being of the coupons annexed hereto until the interest upon the said principal as represented by such coupons by him or them held shall be satisfied.

Given under the seal of the Metropolitan Abattoirs Board this  
day of

The seal of the Metropolitan Abattoirs Board was hereto fixed on the date hereof in the presence of (L.S.)

**Countersigned**

**Secretary.**

**NOTE.**—Interest and principal payable at the office of the Board in Adelaide, or at such bank or other place as may be appointed by notice to be given in *The South Australian Government Gazette*.

## SOUTH AUSTRALIA.

**The Metropolitan Abattoirs Board.**

Coupon for £ \_\_\_\_\_ for half-year's interest due  
the \_\_\_\_\_ day of \_\_\_\_\_ on  
debenture No. \_\_\_\_\_, payable to bearer at \_\_\_\_\_

(Seal.)

**Chairman.**

**Countersigned**

**Secretary.**





ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

\*\*\*\*\*

No. 958.

An Act to regulate the Keeping, Conveying, and Sale of  
Inflammable Oils.

[*Assented to, December 2nd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia,  
with the advice and consent of the Parliament thereof, as  
follows:

PART I.

PRELIMINARY AND INTERPRETATION.

*Preliminary.*

PART I.

1. This Act may be cited as the "Inflammable Oils Act, 1908." Short title.
2. This Act shall commence on a day to be fixed by Proclama- Commencement of Act.  
tion.
3. This Act is divided into parts as follows:— Division of Act.
  - PART I.—Preliminary and Interpretation.
  - PART II.—Keeping of Inflammable Oil.
  - PART III.—Marking of Packages.
  - PART IV.—Conveyance of Inflammable Oil.
  - PART V.—Government Control and Inspection.
  - PART VI.—Testing.
  - PART VII.—Legal Proceedings.
  - PART VIII.—General Provisions.
4. The

*Inflammable Oils Act.—1908.*

## PART I.

## Repeals.

11 of 1873.  
23 of 1874.

4. The “Kerosine Storage Act, 1873,” and the “Kerosine Storage Amendment Act, 1874,” are hereby repealed.

*Interpretation.*

## Definitions.

5. In this Act, except where otherwise clearly indicated—

“Boat” means any vessel propelled by oars only.

“Carriage” includes any bicycle, vehicle, or conveyance of whatsoever kind:

“Depôt” means any pit, excavation, or enclosed place, whether situate in a building or not, which is constructed in such manner or surrounded by walls of such character that inflammable oil stored therein cannot escape therefrom in the form of liquid, either under the action of fire or otherwise:

“Gazette” means the *The South Australian Government Gazette*:

“Government Analyst” means the person for the time being holding the office of Government Analyst under appointment by the Governor, or the person so appointed to perform the duties of the Government Analyst for the time being:

38 Vict., c. 17, s. 108.

“Inland water” means any canal, river, lake, or water which is not tidal water:

Ibid.

“Master” includes every person, except a pilot or Government officer, in command or charge of a ship; and in reference to any boat belonging to a ship means the master of the ship, and in reference to any other boat includes every person having command or charge of such boat:

“Minister” means the Minister of the Crown for the time being administering this Act:

“Package” includes every means by which goods may be cased, covered, enclosed, contained, or packed:

“Place” means any part of land or water, and includes anything thereon:

“Prescribed” means prescribed by this Act or by regulations under this Act:

“Protected work” means—

(a) A building in which any person dwells, or in which persons are accustomed to assemble for purposes of public concourse, public religious worship, public entertainment or amusement, education, or discussion, public offices, stores (bonded or free, or bonded and free combined), and other warehouses; and

(b) A

*Inflammable Oils Act.—1908.***PART I.**

(b) A building in which persons are employed for the purpose of any trade or business, and which is not situate on premises registered or stores licensed under Part II. of this Act:

(c) A dock, wharf (as defined in this section), or timber yard, and any part of a harbor, port, or river where it is customary for ships to berth, moor, or lie; and,

(d) Subject to the provisions of section 15 of this Act a depôt in which any inflammable oil is kept:

(e) Any other place which the Governor by Proclamation in the *Gazette* declares to be a protected work:

“Screen wall” means a wall of brick, stone, concrete, solid earth, or other substance efficient for the purpose of preventing the spread of fire from any one place to any other place, and shall be deemed to intervene when straight lines drawn from every part of a depôt to every part of a protected work pass through such screen wall:

“Ship” includes every description of vessel used in navigation not propelled by oars only:

“This Act” includes any licence, certificate, order, rule, or regulation granted or made in pursuance of this Act:

“Tidal water” means any part of the sea or inlet thereof, or of a river or other water within the ebb and flow of the tides at ordinary spring tides: 38 Vict., c. 17, s. 108.

“Town” means the City of Adelaide and any municipality incorporated under “The Municipal Corporations Act, 1890,” or any Act amending or substituted for the same:

“Wharf” includes any quay, landing place, landing stage, jetty, pier, hulk, or other place at which goods are landed, loaded, or unloaded. 38 Vict., c. 17, s. 108.

6. “Inflammable oil” means any oil, liquid, or spirit derived wholly or in part from any petroleum, shale, schist, coal, peat, bitumen, or any other similar substance; and which has a true flashing point of less than one hundred and fifty degrees Fahrenheit; and any other liquid which the Governor, by Proclamation in the *Gazette*, declares to be an inflammable oil. Definition of “inflammable oil.”

7. For the purposes of this Act inflammable oils are divided into “petrol” and “kerosine”; and Classification of “inflammable oil.”

(a) “Petrol” means any inflammable oil which has a true flashing point of less than seventy-three degrees Fahrenheit; and

(b) “Kerosine” means any inflammable oil which has a true flashing point of not less than seventy-three degrees Fahrenheit. Proclamation under Commonwealth Customs Act, *Commonwealth Gazette*, November 19th, 1904.

8. For

*Inflammable Oils Act.—1908.***PART I.**

Flashing point.

**8.** For the purposes of this Act the true flashing point of an inflammable oil shall be that defined in the Schedule hereto when the oil is tested in the manner set forth in the said Schedule.

**PART II.****PART II.****KEEPING OF INFLAMMABLE OIL.**

Stores and premises may be licensed or registered.

**9.** Stores or premises may, upon payment of such fees and subject to such conditions as are prescribed, be licensed or registered by the Minister for the keeping of inflammable oil.

Only limited quantities may be kept in unlicensed and unregistered stores and premises.

**10.** Subject to section 48, no person shall keep inflammable oil except in a licensed store or in registered premises: Provided that nothing shall prevent the keeping of inflammable oil—

(a) In quantities not exceeding the following:—

- i. Four hundred gallons of kerosine, if no petrol is kept by any person within a distance of fifty feet thereof, or if any petrol is so kept, then if either the petrol or the kerosine is kept completely surrounded by a screen wall:
- ii. One hundred gallons of kerosine if petrol is kept by any person within a distance of fifty feet thereof, and neither the petrol nor the kerosine is kept completely surrounded by a screen wall:
- iii. Fifty gallons of petrol: Provided that all the petrol in excess of five gallons is contained in substantial closed metal vessels, none of which contains more than ten gallons of petrol:

(b) On a ship, boat, or carriage, while being conveyed thereon in accordance with this Act:

(c) In the fuel tank on a motor carriage or motor-propelled ship.

Penalty, not exceeding One Hundred Pounds.

*Registered Premises.*

Registered premises.

**11.** No person shall keep inflammable oil in registered premises in quantities exceeding the following:—

- (a) Eight hundred gallons of kerosine if no petrol is kept by any person within a distance of fifty feet thereof, or if any petrol is so kept, unless either the petrol or the kerosine is kept completely surrounded by a screen wall:
- (b) Three hundred gallons of kerosine if petrol is kept by any person within a distance of fifty feet thereof; and neither the petrol nor the kerosine is kept completely surrounded by a screen wall:
- (c) If the premises are situated within the boundaries of any municipality, town, or township, one hundred gallons of petrol; or if not so situated, two hundred gallons of petrol.

Penalty, not exceeding One Hundred Pounds.

**12.** Every

*Inflammable Oils Act.—1908.*

**12.** Every person keeping inflammable oil in registered premises and every person in or about such premises shall comply with the following rules:—

**PART II.**  
Rules as to registered premises.

- (a) All inflammable oil kept in the premises, except so much as is withdrawn for immediate use, shall be kept in a depôt exclusively appropriated to the purpose, and thoroughly ventilated:
- (b) The depôt shall not be situated within a building wherein persons are accustomed to assemble for purposes of public concourse, public religious worship, public entertainment or amusement, education, or discussion, nor shall the depôt be within an inhabited building, unless the depôt is completely surrounded by a screen wall:
- (c) No artificial light shall be brought within thirty feet of any place where any vessel containing inflammable oil is being kept, except a light of such construction, position, or character as not to be liable to ignite any inflammable vapor arising from such inflammable oil:
- (d) There shall be no fire, forge, furnace, explosive, highly inflammable substance or other source of danger within fifty feet of the depôt, unless separated therefrom by a screen wall:
- (e) All the inflammable oil shall be kept in closed vessels of metal or other prescribed material. Every such vessel shall be so substantially constructed and maintained that no leakage whatever of liquid or vapor can take place therefrom:
- (f) Every vessel containing petrol shall be clearly marked or labelled as provided in Part III. of this Act:
- (g) All due precautions (whether prescribed or not) shall be taken for the prevention of accidents by fire or explosion, and for the prevention of unauthorised persons having access to the inflammable oil kept on the premises, and no person shall do any act whatever which tends to cause fire or explosion.

Explosives Regulations, 1900.

Cf. 38 Vict., c. 17, s. 23.

Penalty, not exceeding One Hundred Pounds.

**13.** Whenever any of the conditions contained in section 12 are not complied with, or in any case where the Minister thinks fit, the registration of premises may be cancelled, and such premises shall thereupon be deemed to be unregistered.

Registration may be cancelled.

*Licensed Stores.*

**14.** Save as hereinbefore provided, no person shall keep inflammable oil except in a licensed store. Penalty, not exceeding One Hundred Pounds.

Licensed stores.

**15.** No

*Inflammable Oils Act.—1908.***PART II.**

Conditions as to  
licensing stores.

**15.** No store shall be licensed unless the following conditions are complied with:—

- (a) The store shall include one or more depôts as defined by this Act exclusively appropriated to the keeping of inflammable oil and such goods as are specified in the licence; and all buildings and places adjoining each other and occupied together shall be deemed to be the same store, and shall be included in one licence:
- (b) Where the store is situate in a town, every depôt therein shall have an effective covering roof of metal, sand, slate, or other unflammable material, unless any such depôt is within another building, and that building has a roof or roofs externally unflammable:
- (c) Every depôt shall be so situated as not to be within fifty feet of any fire, forge, furnace, explosive, highly inflammable substance, or other source of danger:
- (d) Every depôt shall be separated as prescribed from all protected works:
- (e) Every depôt shall be in all other respects situated and constructed as prescribed.

Licence may be forfeited.

**16.** Whenever any of the conditions contained in section 15 are not complied with, or in any case where the Minister thinks fit, the licence may be forfeited, and the store shall thereupon be deemed to be unlicensed.

Rules as to licensed stores.

**17.** Every person keeping inflammable oil in a licensed store and every person in or about the same shall comply with the following rules:—

- (a) All inflammable oil kept in the store, except so much as is withdrawn for immediate use, shall be kept in the depôt appropriated for the purpose, and the inflammable oil shall be kept in substantial closed vessels of metal or other prescribed material, so constructed and secured as to prevent any oil from escaping therefrom in the form of liquid, except such as may be due to unavoidable leakage provided such leakage is remedied without delay:
- (b) Except as otherwise provided in this Act, the depôt shall be used exclusively for the keeping of inflammable oil and the packages in which the oil is contained:
- (c) No person under the age of fourteen years shall be employed inside any depôt or licensed store:
- (d) No explosives, nor anything liable to spontaneous ignition or combustion, and no fire or light, except an artificial light of the construction and character prescribed, shall be taken into any depôt, or shall be placed, brought, or allowed to remain within fifty feet thereof, or of any inflammable oil in course of conveyance to or from a depôt:
- (e) No

*Inflammable Oils Act.—1908.***PART II.**

- (e) No inflammable oil shall be received into or delivered from the store between sunset and sunrise except with the consent of the Chief Inspector in writing first had and obtained, unless an artificial light of the character prescribed be used :
- (f) No quantity of inflammable oil in excess of that specified in the licence shall be kept in the store :
- (g) No person shall smoke in any part of the store, and no person shall bring any matches into any dépôt or licensed store :
- (h) In every store there shall be kept a sufficient quantity of sand or other prescribed material so distributed about the store as to be immediately available for throwing on any inflammable oil which may be spilled or ignited :
- (i) All reasonable precautions, whether prescribed or not, shall be taken for the prevention of accidents by fire or explosion, and for the prevention of unauthorised persons having access to the inflammable oil kept in the store, and against every act whatever which tends to cause fire or explosion and is not reasonably necessary :
- (j) No person shall do or omit any act or thing whereby any licence may be forfeited.

Penalty, not exceeding One Hundred Pounds.

**PART III.****PART III.****MARKING OF PACKAGES.**

**18.** No person shall keep, convey, sell, or expose for sale petrol exceeding five gallons in quantity, unless the outermost package containing the same is clearly marked in conspicuous letters—"Highly Inflammable," together with the word "Petrol," or with the trade name under which the oil is sold. Penalty, not exceeding One Hundred Pounds.

Package containing petrol to be marked.

**19.** No person shall keep, convey, sell, or expose for sale any kerosine exceeding five gallons in quantity, and having a true flashing point of less than one hundred degrees Fahrenheit, unless the outermost package containing the same is clearly marked in conspicuous letters "For Use In Oil Engines." Penalty, not exceeding One Hundred Pounds.

Where flashing point is less than one hundred degrees Fahrenheit.

**20.** No person shall keep, convey, sell, or expose for sale any kerosine exceeding five gallons in quantity, and having a true flashing point of not less than one hundred degrees Fahrenheit unless the outermost package containing the same is clearly marked in conspicuous letters "Kerosine," or the trade name under which the oil is sold. Penalty, not exceeding One Hundred Pounds.

Packages containing kerosine to be marked where flashing point is not less than one hundred degrees Fahrenheit.

**PART**

*Inflammable Oils Act.—1908.*

## PART IV.

## PART IV.

## CONVEYANCE OF INFLAMMABLE OIL.

Rules as to conveying,  
loading, and unloading  
inflammable oil.

**21.** Every person conveying, loading, or unloading inflammable oil, or assisting in any of such operations, and every employer of any person in any of such operations, shall comply with the following rules:—

- (a) The oil shall be contained in tanks or other vessels of metal or other prescribed material from which the oil cannot escape in the form of liquid, and so substantially constructed as not to be liable, except under circumstances of gross negligence or extraordinary accident, to be broken or to become defective or insecure in course of conveyance:
- (b) He shall take all due precautions, whether prescribed or not, to prevent any of the oil from escaping or being discharged into any part of a house or building, or of the curtilage thereof, or into any sewer or drain, or into any inland or tidal water:
- (c) He shall take all due precautions, whether prescribed or not, for the prevention of accidents by fire or explosion, and for preventing unauthorised persons having access to the oil, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purposes of the conveyance, loading, or unloading of the oil or of any other article carried therewith, and for preventing any other persons from committing any such act; and any such other person who, after being warned, commits any such act shall be deemed to commit a breach of these rules:
- (d) The work of loading or unloading the oil on or from any ship or boat shall not be carried on between sunset and sunrise without the permission of the Chief Inspector in writing first had and obtained: Provided that, as regards any ship or boat used in navigating the River Murray, such permission may be granted for any specified occasion or occasions, or as a general permission covering any period not exceeding twelve months.

Penalty, not exceeding One Hundred Pounds.

Notice.

**22.** No master of any ship or boat shall convey, load, or unload any inflammable oil of a greater quantity than prescribed, unless he has first given such notice as prescribed to an inspector. Penalty, not exceeding One Hundred Pounds.



*Inflammable Oils Act.—1908.*

## PART V.

## PART V.

## GOVERNMENT CONTROL AND INSPECTION.

**23.** (1) The Governor may appoint a Chief Inspector and inspectors for the purpose of carrying out the provisions of this Act. Such Chief Inspector is referred to in this Act as the "Chief Inspector," and each such inspector, including the Chief Inspector, is referred to in this Act as "inspector." The Chief Inspector shall have all the powers of an inspector. Inspectors.

(2) Any assistant to the Government Analyst may, upon the direction of the Minister, exercise all the powers conferred on the Government Analyst by this Act. Government Analyst.

**24.** An inspector may—

Powers of inspector.

- (a) At any time enter, inspect, and examine any place where he believes inflammable oil may be found:
- (b) Make any general or particular inquiries as to the observance of this Act:
- (c) Take without payment such samples of any substance which he believes to be inflammable oil as are necessary for the examination and testing thereof:
- (d) Seize, detain, and remove any inflammable oil and any package, carriage, ship, or boat in which the same is contained, if he has reasonable cause to believe that there has been a contravention of this Act in respect of such oil:
- (e) Where he believes it necessary in the public interest, with the consent of the Minister, destroy or render harmless any inflammable oil: Provided that in cases of imminent danger he may so act without such consent.

**25.** Every person on or about the place inspected shall—

Inspector to be assisted.

- (a) Facilitate the entry, inspection, and examination by the inspector:
- (b) Answer all inquiries put as to the observance of this Act:
- (c) Facilitate the taking of the samples, seizure, detention, and removal of any inflammable oil, packages, carriage, ship, or boat, and the destruction and rendering harmless of any inflammable oil.

Penalty, not exceeding One Hundred Pounds.

**26.** No inspector shall be liable, except in respect of any wilful neglect or default, to any legal proceedings for anything done in pursuance of this Act. Protection to inspector.

*Inflammable Oils Act.—1908.***PART VI.****PART VI.****TESTING.**

Standard model  
apparatus for testing.

**27.** (1) A standard model of the apparatus for testing inflammable oil prescribed by this Act shall be deposited with and kept in the office of the Government Analyst.

(2) The Governor may, by notice in the *Gazette*, declare that any new model shall be the standard model, and that any then existing standard model shall cease to be the standard model.

Verification with  
standard model.

**28.** Apparatus constructed in accordance with this Act may from time to time be submitted to the Government Analyst for the purpose of being compared with the standard model and verified.

Stamping of  
apparatus.

**29.** The Government Analyst may, on receipt of the prescribed fees and subject to the prescribed conditions—

- (a) Stamp such apparatus, if found to be accurate, with a mark, date, and number:
- (b) Stamp such apparatus, if found to be inaccurate, with a statement showing the error in such apparatus with a mark, date, and number.

Tests by unverified  
apparatus to be  
deemed inaccurate.

**30.** Any test made by an apparatus shall be deemed inaccurate unless such apparatus has been compared with the standard model, verified by the Government Analyst, and stamped as aforesaid, within five years from the date of such test being made.

**PART VII.****PART VII.****LEGAL PROCEEDINGS.**

Penalties recoverable  
summarily.

**31.** All proceedings in respect of offences against this Act shall be by complaint or information, and shall be heard and determined in a summary way before any Special Magistrate or any two Justices of the Peace under Ordinance No. 6 of 1850 and Act No. 298 of 1883-4, or of any Act for the time being in force relating to the duties of Justices of the Peace or to summary proceedings. Such Magistrate or Justices may make any order as to costs which he or they think fit, and may, in addition to the penalty, order the destruction or forfeiture of the inflammable oil and the packages containing the same or either of them.

Appeal.

**32.** There shall be an appeal from any decision of any Special Magistrate or Justices to the Local Court of Adelaide of Full Jurisdiction. Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and the said Act No. 298 of 1883-4, or any Act for the time being in force relating to appeals to such Local Court. The Court on such appeal may make any order as to costs which it thinks fit, although such costs exceed Ten Pounds.

**33.** The

*Inflammable Oils Act.—1908.*

**33.** The Local Court may state a special case for the opinion of the Supreme Court.

PART VII.  
Special case.

**34.** The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to the costs of the proceedings in that Court and in the Courts below, as to the said Supreme Court appears just.

Practice on special case.

**35.** In any prosecution under this Act any allegation or averment in any complaint, information, or proceedings—

Averments which need not be proved.

- (a) That a person therein named is an inspector appointed under this Act, or the Government Analyst, or an assistant to the Government Analyst:
- (b) That the store therein mentioned is licensed or is not licensed, as the case may be:
- (c) That the premises therein mentioned are registered or are not registered, as the case may be:

shall be deemed to be proved in the absence of proof to the contrary.

**36.** In any proceedings under this Act with respect to any article analysed or tested in pursuance of this Act the production of the certificate of the Government Analyst shall be evidence of the facts therein stated unless the defendant or person charged gives notice in writing to the plaintiff or prosecutor at least twenty-four hours before the date of return of the summons or hearing that he requires the Government Analyst to be called to give evidence.

Analyst's certificate to be evidence.

**37.** The production of the *Gazette* containing any Proclamation, notice, rule, or regulation, appearing or purporting to have been issued or made under this Act, or the production of any document certified by the Chief Inspector to be a true copy of or extract from any such Proclamation, notice, rule, or regulation, issued or made under this Act, shall be *prima facie* evidence of the issue or making of such Proclamation, notice, rule, or regulation, and that the same is in force.

*Gazette prima facie* evidence.

**38.** All notices, certificates, and documents, including applications for licences, directed by or required for the purposes of this Act may be sent by post or otherwise, and if sent by post shall be deemed to have been received at the last moment of the day on which the same ought to have been received in the ordinary course of post.

Notices, &c., may be sent by post.

**39.** (1) This Act shall not, save as is herein expressly provided, exempt any person from any action or suit in respect of any nuisance, tort, or otherwise which might, but for the provisions of this Act, have been brought against him.

Saving of remedies at common law.

(2) This

*Inflammable Oils Act.—1908.***PART VII.**

(2) This Act shall not exempt any person from any indictment or other proceeding for a nuisance or for an offence which is indictable at common law or under any Act other than this Act, so, however, that no person be punished twice for the same offence.

(3) Where proceedings are taken before any Court against a person in respect of any offence under this Act which is also an offence indictable at common law or by some Act other than this Act, the Court may direct that, instead of those proceedings being continued, proceedings shall be taken for indicting the person at common law or under such other Act.

**PART VIII.****PART VIII.****GENERAL PROVISIONS.**

Penalties and forfeitures are cumulative.

**40.** All penalties shall be in addition to any forfeiture.

Disposal of forfeited property.

**41.** All forfeited property shall be disposed of as the Minister directs or as prescribed.

Maximum penalty.

**42.** (1) In this Act, the penalty set forth at the foot or end of or elsewhere in a section or other provision indicates that any contravention of such section or provision, whether by act or omission, shall be an offence punishable upon conviction by the penalty so set forth.

Minimum penalty.

(2) The minimum pecuniary penalty for any offence against any provision of this Act, whether on conviction for the first or any subsequent such offence committed by the same person, shall be one-twentieth of the maximum prescribed.

Application of penalty.

**43.** All penalties recovered shall be applied as the Minister directs.

Recovery of penalty in case of ship.

**44.** Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence committed with or in relation to the ship or boat the Court may, in addition to any other power they have for the purpose of compelling payment of the penalty, direct that the same be levied by arrest and sale of the ship or boat and her tackle.

Forging stamp.

**45.** If any person forges or counterfeits any stamp or mark required by this Act to be placed on apparatus for testing inflammable oil, or alters any such stamp or mark placed on any such apparatus, he shall be guilty of felony, and shall be liable on conviction to imprisonment with or without hard labor for a term not exceeding five years.

Proclamations.

**46.** The Governor may, by Proclamation in the *Gazette*, declare—

(a) Any liquid to be “inflammable oil”:

(b) Any place to be a “protected work.”

**47.** This

*Inflammable Oils Act.—1908.*

## PART VIII.

**47.** This Act shall not apply to the keeping or conveyance of inflammable oil under the control of the Minister or of any Government department: Provided that any person committing any act with respect to any such oil tending to cause fire or explosion shall be liable to the like penalty as if the store or premises in which such oil is kept were licensed or registered, or as if the oil were conveyed under the provisions of this Act.

Saving as to  
Government  
departments.

**48.** The provisions of Part II. of this Act shall apply only within municipalities, towns, and townships, and within five miles of the boundaries thereof.

Limit of application  
of Act.

**49.** The Governor may from time to time make, alter, or repeal such regulations (not being inconsistent with the provisions of this Act) as may be necessary or convenient for carrying into effect the provisions of this Act, and in particular, but without diminishing the generality of this provision, for—

Regulations.

- (a) Prescribing the form and manner of applying for and granting licences and registrations, renewals, transfers, revocations, alterations, and amendments thereto, and fees to be paid: Provided that the fee for each registration shall not exceed Five Shillings, and for each licence shall not exceed Two Pounds.
- (b) Prescribing the situation of licensed stores and depôts, and of screen walls, and regulating their construction and fitting up:
- (c) Prescribing the maximum quantity of inflammable oil to be kept in depôts according to their construction and situation and according to the description of inflammable oil kept therein:
- (d) Prescribing the construction and character of artificial lights which may be taken into a depôt:
- (e) Regulating the keeping, storing, removing, and conveying and the opening and closing of packages of inflammable oil in registered premises, licensed stores, and depôts:
- (f) Determining the notice to be given by the master of any ship or boat of intention to convey, load, or unload inflammable oil:
- (g) Determining the quantities of inflammable oils which may be conveyed, loaded, or unloaded without giving such notice:
- (h) Regulating the navigation of and places for mooring ships and boats conveying, loading, or unloading inflammable oil:
- (i) Regulating the description, construction, marking, ventilation, lighting, and general fitting up of ships, boats, and carriages to be used for the conveyance of inflammable oil:
- (j) Regulating

*Inflammable Oils Act.—1908.***PART VIII.**

- (j) Regulating the mode of stowing and keeping inflammable oil during transit, and of giving notice by brands, labels, or otherwise of the nature and destination of any package of inflammable oil:
- (k) Regulating the hawking of inflammable oil:
- (l) Regulating the use of fires and lights on or near any ships, boats, or carriages loading or unloading inflammable oil, or in which inflammable oil is being or has been recently conveyed, and prohibiting the use of such fires or lights thereon or near thereto as may be dangerous:
- (m) Regulating the placing, removal, and storage of inflammable oil on or from any wharf and any place within two hundred yards of any wharf:
- (n) Regulating the conveyance, loading, and unloading of inflammable oil:
- (o) Altering or adding to the Schedule to this Act prescribing the manner of testing inflammable oil and the construction of test apparatus: Provided that the standard model of any apparatus made in pursuance of such regulations deposited with the Government Analyst shall be so constructed as to give flash points corresponding to those given by the apparatus prescribed in the Schedule:
- (p) Prescribing fees to be paid for testing inflammable oil, for testing, stamping, and marking apparatus, and for any other work done for the purpose of carrying out any of the provisions of this Act:
- (q) Prescribing penalties not exceeding Fifty Pounds for any one offence for any contravention of any regulation.

Publication and  
disallowance of  
regulations and rules.

**50. All regulations made shall—**

- (a) Be published in the *Gazette*;
- (b) Take effect from the date of publication, or from a later date to be specified therein; and
- (c) Be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in Session, at the end of such fourteen days, and if not, then within fourteen days after the commencement of the next Session; but if either House of Parliament passes a resolution at any time within thirty days after such regulations have been laid before such House, disallowing any such regulation, such rule or regulation shall thereupon cease to have effect. Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

**51. (1) Any**

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**PART VIII.**

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Testing validity of regulations.

**51.** (1) Any person desiring to dispute the validity of a regulation may apply to the Supreme Court, upon affidavit, for a rule calling upon the Chief Inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said Court may make absolute or discharge the said rule, with or without costs.

(3) All regulations, unless and until so quashed, shall have the same effect as if enacted in this Act.

(4) No regulation shall be challenged or disputed in any other manner.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

## SCHEDULE

N.B.—In this Schedule the expression “oil” means any liquid to be tested for the purpose of ascertaining its character as inflammable oil. Degrees of temperature are according to Fahrenheit’s thermometer.

### *I.—Nature of the Test Apparatus.*

The apparatus consists of the following parts :—

1. An oil cup.
2. A cover, with slide, test lamp for oil, or test-flame arrangement for use with gas, and clockwork arrangement for opening and closing the holes in the cover, and for dipping the test flame.
3. A water bath or heating vessel.
4. A tripod (with jacket), and spirit lamp or gas arrangement for heating the water bath.
5. A round bulb thermometer for testing the temperature of the oil, with scale ranging from 55° Fahrenheit to 160° Fahrenheit.
6. A long bulb thermometer for testing the temperature of the water, with scale ranging from 90° Fahrenheit to 220° Fahrenheit.
7. A mercurial or aneroid barometer.

The oil cup is a cylindrical flat-bottomed vessel, 2 inches in diameter,  $2\frac{3}{4}$  inches in height (internal), made of gunmetal or brass (17 B.W.G.), and tinned or silvered inside. It is provided with a projecting rim,  $\frac{1}{8}$  inch wide,  $\frac{3}{8}$  inch from the top, and  $1\frac{1}{8}$  inch from the bottom of the cup, on which it rests when inserted in the water bath. A gauge is fixed on the inside of the cup to regulate the height to which it is to be filled with the sample under examination. The distance of the point from the bottom of the cup is  $1\frac{1}{2}$  inch. The cup is provided with a close-fitting overlapping cover, made of brass (22 B.W.G.), which carries the thermometer, the test lamp, or test-flame arrangement, and the adjuncts thereto. The test lamp, which has a spout, the mouth of which is  $\frac{1}{8}$  inch in diameter, or test-flame arrangement, is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted to distance of  $1\frac{1}{2}$  inch below the centre of the lid.

The cover is provided with three holes—one in the centre (0.2 square inch) and two smaller ones (each 0.06 square inch) close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp, or test-flame arrangement, is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout or test flame just below the surface of the lid. As the slide moves back so as to cover the holes the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which represents the size of the test flame to be used.

The water bath or heating vessel consists of two flat-bottomed copper cylinders (24 B.W.G.)—an inner one of 3 inches diameter and  $2\frac{1}{2}$  inches height, and an outer one of  $5\frac{1}{2}$  inches diameter and  $5\frac{1}{2}$  inches height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre, which forms the top of the bath, in such manner as to inclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about  $\frac{3}{8}$  inch, that is, its diameter is about  $\frac{3}{8}$  inch greater than the body of bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath and the oil cup is  $\frac{1}{4}$  inch. The bath is therefore so constructed that when the oil cup is placed in position an air space or air chamber intervenes between the two; consequently, in applying the test to oils flashing below 115° Fahrenheit the heat is transmitted gradually to the oil from the hot water, through the



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the air space. The water bath is fitted with a socket, set at a right angle, for receiving a long bulb thermometer, to indicate the temperature of the water. It is also provided with a funnel, an overflow pipe, and two handles.

The water bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket (24 B.W.G)  $6\frac{1}{2}$  inches diameter, so that the bath is surrounded by an enclosed air space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit lamp, which is attached to it by a small swing bracket. The distance of the wickholder from the bottom of the bath is 1 inch. The clock-work arrangement by which, during the operation of testing, the slide is withdrawn and the test flame dipped into the cup and raised again as the slide is replaced is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test flame is applied. From the beginning to the end of the movement of the slide the time taken is to be exactly 3 seconds.

*II.—Directions for Preparing and Using the Test Apparatus.**1. Preparing the Water Bath.*

The water bath is filled by pouring water into the funnel until it begins to flow out at the overflow pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be as follows:—

- (a) 130° Fahrenheit when a flashing point at or about 73° Fahrenheit is to be observed:
- (b) 160° Fahrenheit when a flashing point at or about 100° Fahrenheit is to be observed:
- (c) 180° Fahrenheit when a flashing point at or about 150° Fahrenheit is to be observed.

This is attained in the first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication, or the water is heated in the bath by means of a spirit lamp or gas arrangement until the required temperature is indicated.

*2. Preparing the Test Lamp.*

(a) The test lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick holder, but may be readily moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick which is coiled within it, is placed a small tuft of cotton wool moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted the wick is adjusted by means of a pair of forceps or a pin until the flame is of the size of the bead fixed on the cover of the oil cup.

Should a particular test occupy so long a time that the flame begins to get smaller through the supply of the oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from a dropping-bottle or pipette provided for the purpose. This can be safely done without interrupting the test.

(b) When using gas for testing, the jet is to be lighted and then adjusted by means of the tap controlled by means of a screw pinch cock or fine tap until the flame is the size of the bead fixed on the cover of the oil cup.

*III.—Filling the Oil Cup.*

Before the oil cup is filled the lid is to be made ready by being placed upon the cup, i.e., the round bulb thermometer is to be inserted into the socket, so that the projecting rim of the collar with which it is fitted touches the edge of the socket, and the test lamp is to be placed in position. The oil cup is to be cooled when necessary to a temperature not exceeding—

- (a) 60° Fahrenheit, when a flashing point at or about 73° Fahrenheit is being observed:
- (b) 85° Fahrenheit, when a flashing point at or about 100° Fahrenheit is being observed:
- (c) 135° Fahrenheit, when a flashing point at or about 150° Fahrenheit is being observed:

by placing it bottom downwards in water at a suitable temperature. The oil cup is now to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in without splashing until its surface is level with the point of the gauge which is fitted in the cup. The lid is then put on the cup at once and pressed down so that its edge rests on the rim of the cup.

*IV.—Application*

*Inflammable Oils Act.—1908.**IV.—Application of the Test.*

1. The water bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire test flame being compared with that of the bead on the cover. The cup is carefully lifted, without shaking it, and placed in the bath, the test lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil cup is now watched, and the clockwork is set in motion by pressing the trigger, when the temperature has reached—

- (a) 63° Fahrenheit, when a flashing point at or about 73° Fahrenheit is being observed :
- (b) 90° Fahrenheit, when a flashing point at or about 100° Fahrenheit is being observed :
- (c) 140° Fahrenheit, when a flashing point at or about 150° Fahrenheit is being observed :

If no flash takes place the clockwork is at once rewound and the trigger pressed at the next higher degree, and so on at every degree rise of temperature until the flash occurs.

2. When a flashing point at or above 115° Fahrenheit is being observed the air chamber is to be filled to a depth of 1½ in. with cold water before the oil cup containing the oil to be tested is placed in position.

3. The temperature at which a flash occurs, if not within 8° of the temperature at which the testing was commenced, is the observed flashing point of the oil, and by correction of the observed flashing point for atmospheric pressure as hereinafter described, the true flashing point is obtained.

4. If, however, the flash takes place at any temperature within 8° of the temperature at which the testing was commenced, the test is to be rejected, and the whole operation of testing is to be repeated with a fresh portion of the sample, the testing, however, to begin at 10° lower than the temperature at which the flash has been previously obtained. If necessary, this procedure shall be repeated with fresh portions of oil until a flash has been obtained at a temperature not within 8° of the temperature at which the testing was commenced.

5. The temperature at which this last-mentioned flash occurs is the observed flashing point of the oil, and by correction of the observed flashing point for atmospheric pressure as hereinafter described, the true flashing point is obtained.

6. In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil, and cooled, as already described, before receiving the fresh sample.

7. If in any case no flash has occurred when a temperature has been reached which is not within 8° of the temperature at which the testing was commenced and which, after correction for atmospheric pressure, is not less than 73° Fahrenheit, and the tests are not required to be continued, the oil shall be deemed to have a true flashing point of not less than 73° Fahrenheit.

8. If no flash has occurred when a temperature has been reached which is not within 8° of the temperature at which the testing was commenced and which, after correction for atmospheric pressure, is not less than 100° Fahrenheit, and the tests are not required to be continued, the oil shall be deemed to have a true flashing point of not less than 100° Fahrenheit.

9. In the same manner if no flash has occurred when a temperature has been reached which is not within 8° of the temperature at which the testing was commenced and which, after correction for atmospheric pressure, is not less than 150° Fahrenheit, and the tests are not required to be continued, the oil shall be deemed to have a true flashing point of not less than 150° Fahrenheit.

*V.—Correction for Atmospheric Pressure.*

As the flashing point of an oil is influenced by changes in atmospheric pressure to an average of 1·6° for every inch of the barometer, a correction of the observed flashing point is necessary whenever the barometer does not stand at 30 inches. This correction is to be made in the following manner:—

If the barometer stands at *less* than 30 inches (the normal height of the barometer) *add* to the observed flashing point 1·6 times the difference (measured in inches) between the actual and normal barometer. If the barometer stands *above* 30 inches, *deduct* from the observed flashing point 1·6 times the difference between the actual and normal barometer.

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*Inflammable Oils Act.*—1908.

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The nearest whole number to the result of this correction is to be taken as the corrected flashing point, and if the result is exactly midway between two whole numbers the higher whole number is to be taken.

For example: Suppose an oil has an observed flashing point of 72, the barometer being 27·1 inches, then the difference between 30·0 inches and 27·1 inches is 2·9 inches. This result multiplied by 1·6 is 4·64, which has to be *added* to 72, making 76·64. The nearest whole number to this is 77° which is to be taken as the corrected flashing point, and if the testing had been commenced at or below 64° the true flashing point is 77° Fahrenheit.

Again: Suppose the observed flashing point of an oil to be 96° and the testing had been commenced at 87° and the barometer indicated 30·6 inches. The true flashing point of the oil is the nearest whole number to 96 *minus* the product of 0·6 multiplied by 1·6, that is 95° Fahrenheit.

The readings of the barometer are to be corrected readings, in accordance with the corrections applicable to the instrument in use. The instrument must be compared periodically with the standard barometer at the office of the Government Analyst, and regulated thereby.

*VI. Application of the Test to Viscous Fluids or Preparations.*

If the flashing test has to be applied to substances of a viscous or semi-solid nature which cannot be poured (such as solutions of indiarubber in mineral naphtha), the mode of proceeding is as follows:—

One fluid ounce or two tablespoonfuls of the substance to be tested is placed in the cup, and the cover is put on. The air chamber in the water bath is filled with water to a depth of 1½ in., and the temperature of the water bath is raised to 90°. The cup is then put into the bath, and the temperature of the water bath maintained at 90° throughout the test. After the lapse of fifteen minutes the test flame is to be applied. If no flash occurs the heating is continued for another fifteen minutes, and the test-flame again applied, and so on until a flash takes place, or the temperature in the cup has reached 90°, and so on.

The temperature at which a flash occurs is the observed flashing point of the substance, and, subject to correction for atmospheric pressure as hereinbefore described, is the true flashing point.





ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 959.

An Act to amend the Constitution.

[*Assented to, December 2nd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

- 1.** This Act may be cited as "The Constitution Amendment Act, 1908," and shall be incorporated with, and, so far as consistent with the tenor thereof, shall be construed as one with "The Constitution Act" and "The Electoral Code, 1896," and any Acts amending or substituted for the same.

Short title and incorporation.  
Act 779/1901, s. 1.  
Act 2 of 1855-6.  
Act 667 of 1896.
- 2.** Section 22 of "The Constitution Act," and the whole of "The Constitution Act Amendment Act, 1901," are hereby repealed.

Repeal.  
Act 779 of 1901.
- 3.** From and after the passing of this Act, notwithstanding anything to the contrary contained in "The Constitution Act," or the Acts amending the same, the Parliament of South Australia shall be constituted in manner hereinafter provided.

Future constitution of Parliament.  
Ibid., s. 4.
- 4.** Subject to the provisions of section 21, the Legislative Council shall consist of eighteen Members.

Legislative Council.  
Ibid., s. 5.
- 5.** The House of Assembly shall consist of forty-two Members.

House of Assembly.  
Ibid., s. 6.
- 6.** South Australia, including the Northern Territory, shall be divided for electoral purposes into four Council Districts, each distinguished by the names, and returning the number of Members, and

Council Districts.  
Ibid., s. 7.

*The Constitution Amendment Act.—1908.*

and comprising the Assembly Divisions set forth in the First Schedule. The district named "Midland Electoral District" in such Schedule is the district heretofore named "North-Eastern Electoral District," and the Members representing the district in the Legislative Council immediately before the passing of this Act shall continue to be the Members for the district as if its name had not been changed.

Assembly Districts.  
Ibid., s. 8.

**7.** For the purpose of electing Members of the House of Assembly the State of South Australia, excluding the Northern Territory thereof, shall be divided, in manner hereinafter provided, into twelve electoral districts, hereinafter called Assembly Districts, and the Northern Territory shall remain, as heretofore, one electoral district, returning two Members to the said House.

Names of Assembly Districts.  
Ibid., s. 9.

**8.** The Assembly Districts shall be distinguished by the names, and shall each return the number of Members, and shall comprise the former Assembly Districts set forth in the Second Schedule.

Electoral divisions of Council Districts.  
Ibid., s. 10.

**9.** Every Assembly District shall be also an electoral division of the Council District in which it is situated.

Term of service of Legislative Councillors.  
Ibid., s. 11, altered.

**10.** Subject to the provisions hereinafter contained as to the dissolution of the Legislative Council, every Member of the said Council, except a Member elected to fill a casual vacancy, shall occupy his seat for the term of six years at least, calculated as from the first day of March of the year in which he was last elected, and for such further period as is provided for in the next succeeding section. Provided nevertheless, if the seat of any Member of the Legislative Council becomes vacant by death, resignation, or otherwise before the expiration of his term of service, and a Member is returned from the Electoral District in which the vacancy occurred, he shall hold office only for the unexpired term of the Member whose seat has been vacated as aforesaid, and shall, for the purpose of retirement, be deemed to have been elected at the time when such last-mentioned Member was or was deemed to be elected: Provided also that where two or more Members are so returned at the same time to fill vacated seats of unequal terms such seats shall be deemed to be held by the said Members according to their position on the poll at their election, and that he who receives the greatest number of votes shall hold the seat which has the longest term to run, and in the event of a tie the matter shall be determined by lot.

Periodical retirement of Legislative Councillors.  
Ibid., s. 12, altered.

**11.** Whenever the House of Assembly is dissolved by the Governor, or expires by effluxion of time, so many Members of the Legislative Council, not exceeding three for the Central District and two for each of the other Districts, as have completed the minimum term of service provided by section 10 shall retire and vacate their seats, and, subject to section 21, an election to supply the vacancies so created shall take place on the day of the next general election of the House of Assembly.

**12.** The

*The Constitution Amendment Act.—1908.*

**12.** The periodical retirement of Members of the Legislative Council under the provisions of the last preceding section shall be determined as follows :— Order of retirement.  
Ibid., s. 13, altered.

- i. The Members retiring in each Council District shall be those who have represented such district for the longest time, calculated from the date of their last election :
- ii. If two or more Members have represented the same Council District for an equal time, calculated as aforesaid, the order of retirement as between them shall be determined by their position on the poll at their election, and he or they who had the least number of votes shall retire first. If their position is equal in this respect, or if no poll was taken, the order of retirement between them shall be determined by lot :
- iii. The Legislative Council shall keep a roll of its Members, containing all particulars necessary for the application of the foregoing rules as to their periodical retirement.

**13.** The Legislative Council shall not be competent to proceed with the dispatch of business unless there are present, including the President or the person chosen to preside in his absence, at least ten Members of the said Council. Quorum of the Legislative Council.  
Ibid., s. 15, altered.

**14.** The House of Assembly shall not be competent to proceed with the dispatch of business unless there are present, including the Speaker or the person chosen to preside in his absence, at least twenty Members of the said House. Quorum of the House of Assembly.  
Ibid., s. 16, altered.

**15.** Subject to being sooner dissolved, and notwithstanding the limit of time prescribed by section 3 of "The Constitution Act"— Continuation or early determination of House of Assembly.  
New.

- (1) Whenever any House of Assembly would expire by the effluxion of time between the thirtieth day of September of any year and the first day of March next thereafter such House shall continue up to and including the day preceding such first day of March and no longer :
- (2) Whenever the said House would expire by effluxion of time between the last day of February and the first day of October of any year such House shall cease and determine on the day preceding the first day of March of that year.

**16.** The Governor shall appoint such Returning Officers, Electoral Registrars, and other officers for the electoral districts and electoral divisions as are required by and in conformity with the provisions of "The Electoral Code, 1896," and any Act amending the said Code or of any Act substituted therefor, and this Act. Appointment of Returning Officers and other officials.  
Ibid., s. 17.  
Act 667 of 1896.

**17.** The electoral rolls now in force by virtue of sections 18 and 19 of "The Constitution Act Amendment Act, 1901," for districts newly New electoral rolls.  
Ibid., s. 18, altered.  
Act 779 of 1901.

*The Constitution Amendment Act.—1908.*

newly created thereunder and the alterations made in the electoral rolls of districts the boundaries of which were altered by or pursuant to the said Act, are hereby continued, and the Returning Officer for the State is hereby authorised to make such alterations in Schedule II. of "The Electoral Code, 1896," and in any Schedule substituted therefor by any Act amending or substituted for the said Code, as shall in his discretion be necessary to carry this Act into effect; and to the extent to which such alterations are made the said Schedule and such substituted Schedule (if any) shall be deemed to be repealed or amended by this Act, as the case may be; and all such alterations, on being made by the Returning Officer for the State, and being published in the *Government Gazette*, after having been approved by the Governor, shall be as valid in law as if herein enacted, but in all cases the registration of electors shall be preserved as of the date of their registration at the time such alterations are or were made.

"Officers of Parliament Act" to be applicable.  
Ibid., s. 20, altered.

**18.** "The Officers of Parliament Act" shall apply to any future dissolution of the Legislative Council by virtue of the provisions in that behalf herein contained.

Absence of Members of Parliament from their places.  
Ibid., s. 21.

**19.** Sections 12 and 25 of "The Constitution Act" are hereby amended by substituting the words "one month" for the words "two consecutive months" in each.

Number of Ministers.  
Ibid., s. 22, altered.

**20.** The number of Ministers of the Crown shall not exceed six, one of whom shall be an honorary Minister. Such Ministers shall respectively bear such titles and fill such ministerial offices as the Governor from time to time appoints, and not more than four of such Ministers shall at any one time be Members of the House of Assembly. The total salaries to be paid to such Ministers shall not exceed Five Thousand Pounds per annum.

Settlement of deadlocks.  
Ibid., s. 24, altered.

**21.** (1) Whenever any Bill for an Act has been passed by the House of Assembly during any Session of Parliament, and the same Bill, or a similar Bill with substantially the same objects and having the same title, has been passed by the House of Assembly during the next ensuing Parliament, a general election of the House of Assembly having taken place between such two Parliaments, and the second and third readings of such Bill having been passed in the second instance by an absolute majority of the whole number of Members of the said House of Assembly, and both such Bills have been rejected by or fail to become law in consequence of any amendments made therein by the Legislative Council, it shall be lawful for but not obligatory upon the Governor of the said State, within six months after the last rejection or failure, by Proclamation to be published in the *Government Gazette*, to dissolve the Legislative Council and House of Assembly, and thereupon all the Members of both Houses of Parliament shall vacate their seats, and Members shall be elected to supply the vacancies so created; or for the Governor, within six months after such rejection or failure,

to



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to issue writs for the election of three additional Members for the Central District and of two additional Members for each of the other districts of the Legislative Council.

(2) After the issue of such writs no vacancy, whether arising before or after the issue thereof, shall be filled, except as may be necessary to bring the representation of the district in which such vacancy occurs to its proper number, as set forth in First Schedule hereto. Whenever there are more seats vacated by Members returned for the same district than are to be filled, and such Members' seats were of unequal tenure, the seats of those Members the unexpired portions of whose terms are the shorter shall be first filled.

(3) Upon every such dissolution of the Legislative Council the order of retirement, as between the Members elected after such dissolution, shall be as provided in section 12 of this Act; and one half of such Members shall retire after three years' service, calculated from the first day of March of the year of their election, or after such further period as is provided for in section 11.

**22.** (1) Whenever a casual vacancy occurs in the Legislative Council at or near the time when the Governor is issuing, or is about to issue, a writ or writs for periodical or other elections of Members of the Council, and such vacancy is to be filled, the President shall in his writ for filling the same fix, if practicable, the same days for nomination and polling respectively as are fixed by the Governor in the writ or writs issued by him.

Concurrent writs of Governor and President.

New.

(2) The elections so ordered for the same day shall in each district be conducted as a single election for all the Members to be so elected therein, one and the same form of voting paper being used for all voters; and the Returning Officer shall indorse upon the writ issued by the Governor the names of the elected candidates who, being the number therein required, polled the most votes, and the names of the remaining elected candidate or candidates he shall indorse upon the writ issued by the President of the Council. In the event of two or more elected candidates polling an equal number of votes the Returning Officer shall, by drawing lots, decide which of such candidates is to be deemed, for the purpose of this section, to have polled the greatest number and which the next to the greatest number, and so on as the case may require.

**23.** (1) No Member of Parliament shall be permitted to sit or vote therein until he has taken and subscribed the following oath before the Governor, or before some person or persons authorised by the Governor to administer such oath:—

Oath of allegiance.

Act 2, 1855-6, s. 22.

“I do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King EDWARD THE SEVENTH as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this State of South Australia and its Dependencies in the Commonwealth of Australia, dependent

*The Constitution Amendment Act.—1908.*

dependent on and belonging to the said United Kingdom; and that I will defend him to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against His person, crown, and dignity; and that I will do my utmost endeavor to disclose and make known to His Majesty, His heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Him, or any of them: and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary. So **HELP ME GOD!**"

(2) It shall not be necessary for any Member of Parliament who has taken the oath prescribed herein to again take the said oath in the event of the demise of the Crown; such oath shall be deemed to relate to the Sovereign, His heirs, and successors according to law, and the name of the Sovereign for the time being shall be substituted as occasion requires.

Act 671 of 1896.

(3) Nothing in this section shall be deemed to affect the operation of "The Affirmations Act, 1896."

Resignation of Members of Parliament.  
Amendment of secs. 11 and 23 of Constitution Act 2 of 1855-6.  
New.

**24.** Sections 11 and 23 of the Constitution Act are hereby so far amended as to permit Members of either House to resign their seats, by writing under their hands addressed and delivered to the Governor, whenever it happens that there is no President or Speaker, as the case may be, or that the President or the Speaker is absent from the State or is incapacitated from performing the duties of his office.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

SCHEDULES.

*The Constitution Amendment Act.—1908.*

## SCHEDULES.

## FIRST SCHEDULE.

Section 6.

Act 779, 1901.  
Sched. 2.

Name of District.	Number of Members to be Returned.	Assembly Divisions comprised in Council Districts.
Central Electoral District.....	6	Divisions—Adelaide, Port Adelaide, Torrens.
Southern Electoral District....	4	“ Victoria and Albert, Alexandra, Murray.
Midland Electoral District ....	4	“ Barossa, Woorroora, Wailaroo.
Northern Electoral District....	4	“ Stanley, Burra Burra, Flinders, and Northern Territory.
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## SECOND SCHEDULE.

Section 8.

Ibid., Sched. 3.

Name of District.	Number of Members to be Returned.	Former Assembly Districts comprised in Assembly Districts.
Adelaide District.....	4	{ East Adelaide West Adelaide North Adelaide
Port Adelaide District.....	3	{ Port Adelaide West Torrens
Torrens District .....	5	{ East Torrens Sturt
Victoria and Albert District .....	3	{ Victoria Albert
Alexandra District .....	4	{ Mount Barker Encounter Bay Noarlunga
Murray District .....	3	{ Onkparinga Gumeracha
Barossa District .....	3	{ Barossa Yatala

SECOND

*The Constitution Amendment Act.—1908.*SECOND SCHEDULE—*continued.*

Name of District.	Number of Members to be Returned.	Former Assembly Districts comprised in Assembly Districts.
Wooroora District .....	3	{ Light { Wooroora
Walleroo District .....	3	{ Wallaroo { Yorke Peninsula
Stanley District .....	3	{ Gladstone { Stanley
Burra Burra District .....	3	{ Frome { Burra
Flinders District .....	3	{ Newcastle { Flinders
District Northern Territory.....	2	Northern Territory
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ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 960.

An Act to provide for Advances to Settlers on Crown Lands, and for other purposes.

[*Assented to, December 23rd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Advances to Settlers on Crown Lands Act, 1908." Short title.

2. In this Act, unless a contrary meaning appears—

Interpretation.

"Advance" means an advance made under this Act:

"Agreement" means an agreement containing a covenant to purchase Crown Lands:

"Crown lands" does not include any land repurchased under the provisions of Part X. of "The Crown Lands Act, 1903," or repurchased for the purposes mentioned in the said Part X. under any enactment or otherwise:

"Deputy Surveyor-General" means the person for the time being holding the office of Deputy Surveyor-General:

"Holding" means the land held by a settler under his lease or agreement:

"Land Board" means the Land Board under "The Crown Lands Act, 1903," and any Act amending that Act, or any Act substituted therefor:

"Prescribed" means prescribed by regulations made under this Act: "Settler"

*The Advances to Settlers on Crown Lands Act.—1908.*

“Settler” means the holder of a lease of Crown lands or of an agreement, whether the original lessee or holder or a successor in title of the original lessee or holder:

“Surveyor-General” means the person for the time being holding the office of Surveyor-General:

“The Board” means the Advances to Settlers Board constituted by this Act:

“The Fund” means the Advances to Settlers Fund constituted by this Act:

“The Treasurer” means the Treasurer for the time being of the State:

“This Act” includes regulations made under this Act.

Advances to Settlers Board.

**3.** A Board is hereby constituted under the name of “The Advances to Settlers Board.”

Administration.

**4.** This Act and the Fund constituted by this Act shall be administered by the Board.

Members of Board.

**5.** (1) The members for the time being of the Land Board, the Surveyor-General, and the Deputy Surveyor-General shall be the members of the Board.

(2) The Surveyor-General shall be the Chairman of the Board.

Incorporation of Board.

W.A. 15, 1906, s. 6.

**6.** The Board shall be a body corporate with perpetual succession and a common seal, and be capable of suing and being sued, of holding, leasing, and alienating land, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Property held on behalf of Crown.

Cf. Tas. 8, 1898, s. 6.

**7.** The Board shall hold all property, all estates and interests in property, and all moneys acquired by them under this Act for and on account of the Crown.

Deputy member of Board.

Q. 24, 1901, s. 5.

**8.** In case of illness, suspension, inability, or absence of any member of the Board the Governor may appoint some other civil servant to act as the deputy of such member during such illness, suspension, inability, or absence; and every such deputy shall, whilst he acts as such deputy, have all the powers and perform all the duties of such member.

Chairman to preside.

**9.** (1) The Chairman shall preside at all meetings of the Board, but when the Chairman is absent from any meeting the members present may by the vote of the majority appoint one of their number to be Acting Chairman, who shall preside over such meeting during the absence of the Chairman.

(2) The Chairman or Acting Chairman shall have a casting as well as a deliberative vote.

**10.** Two

*The Advances to Settlers on Crown Lands Act.—1908.*

**10.** Two members shall form a quorum at any meeting of the Board. Quorum.

**11.** (1) A Fund is hereby constituted, to be called "The Advances to Settlers Fund." Advances to Settlers Fund.

(2) The Treasurer shall set apart to the credit of the fund such loan moneys as are from time to time provided by Parliament for that purpose, not exceeding Two Hundred Thousand Pounds in any one financial year. Cf. C.L. Act, 1903, s. 136.

(3) All moneys received by the Board in repayment of advances shall be paid to the Treasurer and be placed to the credit of the fund and form part thereof. Moneys received by way of interest on advances shall be paid to the Treasurer and be applied in aid of the general revenue of the State.

(4) The Fund shall be held by the Treasurer and be applied to the purposes of this Act.

**12.** The Governor may from time to time, upon the recommendation of the Board, appoint a secretary, an accountant, inspectors, valuers, and such other officers and servants of the Board as may be necessary for carrying out the provisions of this Act. Officers of Board.

**13.** (1) Subject to the provisions of this Act, the Board may make advances to any settler on the prescribed security for— Advances to settlers.  
W.A. 15, 1906, s. 28.

(a) Making improvements on his holding, such as ring-barking, clearing, grubbing, fencing, draining, erecting or making permanent water improvements (such as dams, wells, tanks, watercourses, windmills, and the like), boring for water, erecting permanent buildings, or such other improvements as are prescribed; or

(b) Discharging any mortgage already existing on his holding.

(2) Subject to subsection (4) hereof, advances may be made to a settler under paragraph (a) of subsection (1) hereof of an amount not exceeding Fifteen Shillings in the Pound of the fair estimated value of the improvements (if any) already made on his holding and those in course of being made thereon. Cf., Q. 13, 1904, s. 3.

(3) Subject as aforesaid, advances may be made to a settler under paragraph (b) of subsection (1) hereof of an amount not exceeding Twelve Shillings in the Pound of the fair estimated value of the improvements already made on his holding.

(4) At no time shall the total advances to any one settler exceed the sum of Four Hundred Pounds.

**14.** Every application for an advance shall—

i. Be made to the Board, and in the prescribed form, and shall contain such particulars as are prescribed:

ii. Be supported by such evidence (if any) as is prescribed, or as the Board requires.

Applications for  
advances.

**15.** (1) Any

*The Advances to Settlers on Crown Lands Act.—1908.*

Advances by instalments.

W.A. 15, 1906, s. 29.

**15.** (1) Any advance may be made by instalments, subject to anything prescribed in that behalf, as the improvements are being effected.

(2) If at any time, in the opinion of the Board, any money advanced under this Act has not been applied for the purpose for which it was advanced, or has not been carefully and economically expended, the Board may refuse to pay any further instalment of the proposed advance, and may at once call in the whole amount already advanced, whereupon the settler shall forthwith repay the same, and in default the Board shall have the same remedies for the recovery of the same as are provided by this Act for the recovery of sums payable by the settler.

Advance to be secured by mortgage.

Q. 24, 1901, s. 17.

**16.** (1) No advance shall be made except upon the security of a mortgage or mortgages in the prescribed form to the Board of the settler's lease or agreement, and his estate and interest in his holding, as well as of the improvements already thereon, and the improvements with respect to which such advance is made, with or without such additional security as to the Board may seem fit. The settler may, notwithstanding any enactment or law, or anything in his lease or agreement to the contrary, lawfully execute such mortgage or other security.

(2) The provisions of "The Bills of Sale Act, 1886," or any Act amending that Act or substituted therefor, shall not apply to any mortgage or other security executed under the provisions of this Act, or affect the validity of any such mortgage or security in respect of any chattels comprised therein.

Advances only to be made on first mortgages.

W.A., 15, 1906, s. 31.

**17.** No advance shall be made on any property which is encumbered by any previous mortgage or charge, other than a mortgage or charge under this Act, or a charge in favor of the Crown; but a second mortgage may be taken as collateral security.

Repayment of advance.

Ibid, s. 33.

**18.** (1) For the period of five years next following the date on which an advance is made, the settler shall pay to the Board interest on the advance at the rate of Five Pounds per centum per annum.

(2) Such interest shall be payable half-yearly, the first payment to be made on the first day of the seventh calendar month commencing next after the advance is made.

(3) If any advance is made by instalments, interest shall be calculated on the actual amount of the several instalments of such advance from the date when such instalments are advanced.

(4) After the expiration of the said period of five years the settler shall repay the advance to the Board by fifty equal half-yearly instalments, together with simple interest on the balance of the advance for the time being unpaid at the rate of Five Pounds per centum per annum.

(5) The



*The Advances to Settlers on Crown Lands Act.—1908.*

(5) The first of such half-yearly instalments shall be paid on the first day of the sixth calendar month commencing next after the day upon which the last payment of interest is to be made under subsection (2) hereof.

(6) When any half-yearly payment required by this section is made within fourteen days next after the day upon which the same is required to be made a rebate of interest at the rate of One Pound per centum per annum shall be allowed to the settler.

(7) Any advance may, at the option of the settler, be repaid at any time sooner than is herein provided, or be repaid in larger instalments.

**19.** (1) When an advance has been made upon the security of a mortgage of a holding the freehold whereof may under any Act be acquired from the Crown, the grant in respect of such holding shall not be issued while such mortgage is in existence until a mortgage of the freehold has been executed under "The Real Property Act, 1886," containing such covenants and provisions as are proper to secure payment of the amount of the advance, together with interest as required by this Act.

Perfecting security over holdings when freehold acquired subsequent to mortgage.

Ibid, s. 35.  
350 of 1886.

(2) For this purpose it shall be the duty of the proper officer of the Surveyor-General's Department to give notice to the Board that such grant is in his possession, and stating the name and last known address of the grantee, whereupon the Board shall call upon such grantee, by notice posted to such address, to execute such mortgage in favor of the Board; and if such grantee or his successor in interest fails within thirty days after the posting of such notice as last aforesaid to execute such mortgage, then the Chairman of the Board shall and he is hereby empowered to execute such mortgage in the name and on behalf of the grantee, and such mortgage shall be binding against all claimants, notwithstanding any error in the address or the notice, and notwithstanding the death, insolvency, lunacy, minority, or other disability of or any assignment for the benefit of creditors or otherwise made by the mortgagor or any such successor.

(3) Notwithstanding the provisions of "The Real Property Act, 1886," the Registrar-General shall, upon production, register every such mortgage so executed by such grantee or his successor in interest or the Chairman of the Board and duly indorse the grant accordingly.

(4) The Board shall be entitled to receive and retain possession of every such grant while such mortgage is in existence.

(5) All costs and expenses occasioned in giving effect to this section shall be borne by the mortgagor, and may, if the Board think fit, be added to and become part of the mortgage debt.

**20.** (1) Where

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Power for Board to  
acquire freehold.

*Ibid.*, s. 36.

**20.** (1) Where an advance has been made upon the security of a mortgage of a holding the freehold whereof may under any Act be acquired from the Crown, the Board may, at any time and notwithstanding the provisions of any Act, acquire the freehold of the holding on behalf of the mortgagor or his successor in interest, and for that purpose may make all such payments to the Crown and otherwise as are necessary.

(2) All payments so made by the Board shall be added to and become part of the mortgage debt, notwithstanding that the amount of the advance is thereby increased to more than Four Hundred Pounds.

(3) The grant of the holding shall be delivered to the Board, and thereupon the provisions of the next preceding section shall be observed.

Breach of terms of  
security to be breach  
of lease or agree-  
ment.

*Cf.* C.L. Act, 1903,  
s. 145.

**21.** Any breach by the settler in any of the terms or conditions of any mortgage or other security for securing the repayment of any advance shall be deemed a breach of the conditions of his lease or agreement, and shall render the lease or agreement liable to be cancelled and forfeited in the same manner as Crown leases or agreements where rent is in arrear.

Remedies for recovery  
of instalments.

*Cf.* W.A. 15, 1906,  
s. 37.

**22.** (1) In addition and without prejudice to any other remedy, if at any time any half-yearly payment required by this Act, or any part thereof, is unpaid for thirty days next after the time appointed for the payment thereof, then, although no legal demand has been made for the payment thereof, the Board may enter upon the holding charged, or any part thereof, and recover the amount due by distress and sale of any goods and chattels on such holding, or such amount may be recovered in any Court of competent jurisdiction by action, in the name of the Board, from the settler of such holding for the time being.

How land to be sold.

(2) If at any time any half-yearly payment required by this Act, or any part thereof, is unpaid for three calendar months next after the time appointed for the payment thereof, then, although no legal demand has been made for the payment thereof, the Board may enter upon and take possession of the holding with respect to which the advance has been made, and may sell the estate and interest of the settler therein and his lease or agreement, either by private sale or public tender or auction, and subject to any conditions of sale they think expedient, and after such notice of the time, place, terms, and conditions of sale as they may think just and expedient, and may transfer such holding and the lease or agreement to the purchaser and give a good and valid title thereto.

Application of pro-  
ceeds of sale.

(3) The Board shall apply the proceeds derived from such sale in payment, in the first instance, of all moneys due in respect of such holding, and in redemption of any amount charged thereon in favor of the Board, or of so much thereof as remains unpaid, and of all expenses incurred by the Board in relation to such sale or otherwise

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otherwise with respect to such holding, and shall pay the balance (if any) to the persons appearing to the Chairman of the Board to be entitled to receive the same.

**23.** (1) The settler of any holding over which a mortgage or other security has been given under the provisions of this Act shall, during the continuance of the same, to the satisfaction of the Board, keep in good and tenantable repair all buildings, fences, fixtures, and improvements upon the holding comprised in such mortgage or other security.

Mortgagor to effect necessary repairs.

Ibid., s. 38.

(2) If after the expiration of two months' notice in writing by the Chairman of the Board any settler has not complied with the requirements of this section—

(a) The like consequences shall follow as are provided by the next two preceding sections in case of breach of the terms or conditions of the mortgage or other security, or default made in the payment of any interest or instalment payable under the provisions of this Act; or

(b) The Chairman of the Board, or any person acting with his authority, may enter upon the holding and effect all repairs which the Chairman deems necessary; and the expense thereby incurred, with interest at the rate of Five Pounds per centum per annum, shall be repaid to the Board by the settler on demand, and until repayment shall be a charge under the mortgage or other security upon the holding.

**24.** (1) As between the Board and the settler of any holding with respect to which an advance has been made, the following conditions shall be imposed so long as such holding is subject to any charge in favor of the Board, namely:—

Conditions annexed to land while subject to advances.

Ibid., s. 39.

(a) Such holding shall not be sublet or let by such settler, nor shall his lease or agreement be transferred without the consent of the Board:

(b) Every sub-lease, agreement, and transfer contrary to the provisions of this section shall be void and of no effect:

(c) If such settler sublets or lets such holding or any part thereof, or transfers his lease or agreement in contravention of the provisions of this section, the Board may cause the settler's estate and interest in the holding and his lease or agreement to be sold:

(d) When the title to the lease or agreement is divested from the settler under any law relating to insolvency, the Board may cause the settler's estate and interest in the holding and his lease or agreement to be sold:

(2) The provisions of section 22, as to sale and application of proceeds of sale, shall apply to every sale made under the provisions of this section.

**25.** In

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Extension of time for repayment.

Cf. C.L. Act, 1903, s. 147.

**25.** In cases of hardship the Board may extend the time for making any payment required by this Act: Provided that the deferred payments shall bear interest at the rate of Five Pounds per centum per annum.

Board to obtain reports as to expenditure of advances.

**26.** The Board from time to time shall obtain reports from the inspectors and valuers of the Board as to the manner in which advances and instalments of advances have been expended and used by the settlers, and as to the state and condition of the improvements for the purpose of which such advances and instalments have been paid to the settlers, and generally as to the state and condition of the holding in respect of which such advances and instalments have been paid.

Register of advances to be kept for inspection.

Cf. N.S.W. 1, 1899, s. 11.

**27.** The Board shall keep a register or list of all advances, with the names of the persons to whom the advances have been made, and also an alphabetical index of the names of such persons. Such register or list and index shall be open to public inspection on the payment of a fee of One Shilling.

Board to keep accounts.

Cf. C.L. Act, 1903, s. 138.

**28.** The Board shall keep accounts showing all operations on the Fund, as well as all moneys paid to and received from each settler to whom any advance is made, and such other accounts and records (if any) as are prescribed.

Audit.

**29.** (1) The accounts of the Board shall, once at least in every year, and also whenever so directed by the Governor, be audited by the Commissioner of Audit.

241 of 1882.

(2) The Commissioner of Audit shall, in respect of such accounts, have all the powers conferred on him by "The Audit Act, 1882," and any Act for the time being in force relating to the audit of public accounts.

Balance-sheet and report to be laid before Parliament.

**30.** In every year the Board shall furnish to the Commissioner of Crown Lands a balance-sheet and a report upon the operation of this Act, and every such balance-sheet and report, together with the report of the Commissioner of Audit, shall be laid, as soon as possible, before both Houses of Parliament.

Regulations.  
Cf. Q. 24, 1901, s. 26  
N.S.W., 1, 1899, s. 14

**31.** The Governor may from time to time make regulations for all or any of the following purposes, namely:—

- (a) Regulating the procedure at meetings of the Board:
- (b) Prescribing the duties of the officers and servants of the Board:
- (c) Prescribing the mode in which applications for advances are to be made:
- (d) Regulating the consideration and granting of applications:
- (e) Prescribing what inquiries and valuations shall be made in relation to applications:
- (f) Adding

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*The Advances to Settlers on Crown Lands Act.—1908.*

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- (f) Adding to or altering the list of improvements for the making of which advances may be made:
- (g) Prescribing the mode in which the value of improvements shall be determined:
- (h) Prescribing the forms of mortgages and securities to be taken by the Board, and providing for the registration of such mortgages and securities:
- (i) Prescribing the records, books, and accounts to be kept by the Board:
- (j) Providing for the receipt and payment of moneys under this Act, and the safe custody of securities:
- (k) Prescribing the fees to be paid in respect of advances:
- (l) Prescribing anything which by this Act is required to be or may be prescribed:
- (m) Generally for carrying out the objects and provisions of this Act.

**32. (1)** All such regulations shall—Publication and effect  
of regulations.

- (a) Be published in the *Government Gazette*;
- (b) Take effect from the date of such publication, or from a later date to be specified therein; and
- (c) Be laid before both Houses of Parliament within fourteen days after publication if Parliament is then in Session, and if not, then within fourteen days after the commencement of the next Session.

(2) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same is disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulation has been laid before Parliament if Parliament is so long in Session: Provided that if Parliament is not in Session for thirty days after such regulation has been laid before Parliament, then such regulation shall not continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.





ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 961.

An Act to amend "The Factories Act, 1907."

[*Assented to, December 23rd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited alone as "The Factories Act Amendment Act, 1908," and this Act and "The Factories Act, 1907" (hereinafter called "the principal Act"), may be cited together as "The Factories Acts, 1907 and 1908."

Short title.

945 of 1907.

2. This Act is incorporated with and shall be read as one with the principal Act.

Incorporation with principal Act.

3. Section 85 of the principal Act is hereby amended so as hereafter to be read as follows:—

Section 85 of principal Act amended.

85. (1) The Governor shall appoint the persons so nominated, unless objected to, pursuant to subsection (2).

Objection to persons nominated, and election and appointment.

(2) If, in the opinion of the Minister, having regard to the records contained in the latest report of the Chief Inspector or the summary mentioned in subsection (3) of section 84—

Factories Act, 1906, sec. 8.  
Vic. Act, No. 1975, sec. 77.

(a) Not less than one-fifth of the employers have objected to the persons or some or one of the persons nominated as representatives of employers, the representatives of employers shall be elected in manner prescribed.

(b) Not

*The Factories Act Amendment Act.—1908.*

(b) Not less than one-fifth of the adult employés have objected to the persons or some or one of the persons nominated as representatives of employés, the representatives of employés shall be elected in manner prescribed.

(3) Objections to nominations may be made by notice in writing to the Minister, within twenty-one days from the date of the publication of such nominations.

(4) The Governor shall appoint the persons so elected.

*Cf. Queensland Act,  
No. 8, 1908, sec. 5.*

(5) If, in the event of an election being required, as mentioned in subsection (2) hereof, the employers or employés (as the case may be) fail to elect their representatives in manner and within the time prescribed, or the election otherwise fails wholly or in part, the representatives of employers or employés (as the case may be) shall be selected in manner prescribed, and the Governor shall appoint the persons so selected.

(6) When the representatives of employers or employés have been appointed, the Governor shall publish such appointment in the *Gazette*.

*Rates for clothing to  
be both piecework  
and wages rate,  
where practicable.*

4. Section 94 of "The Factories Act, 1907," is hereby amended by inserting after the word "furniture" in subsection (c) the words "and articles of clothing or wearing apparel made in a factory."

*Provisions of this Act  
to be retrospective.*

5. The provisions of this Act shall apply to any election required under section 85 of the principal Act, whether required before or after the passing of this Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.





ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 962.

An Act to make further Provision for the Drainage of Land in the South-East of the State, and to further amend "The South-Eastern Drainage Act, 1878."

*[Assented to, December 23rd, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

### PART I.

### PART I.

#### PRELIMINARY.

1. This Act may be cited as "The South-Eastern Drainage Act Amendment Act, 1908," and shall come into operation on a day to be fixed by the Governor by Proclamation published in the *Gazette*, which Proclamation shall not be made unless a Bill before the said Parliament during the Session of the year one thousand nine hundred and eight, being a Bill for an Act to authorise the carrying out of a certain scheme of drainage in the South-East of the State, and for other purposes, is passed and receives the Governor's assent, and unless the carrying out of the scheme mentioned in the said Bill is approved as therein mentioned as the aggregate result of the polls of landholders also therein mentioned, and unless the Governor makes an order, as also therein mentioned, that the said scheme be carried out. Short title and commencement.
2. This Act is incorporated with "The South-Eastern Drainage Act, 1878" (hereinafter called "the principal Act"), and "The South-Eastern Drainage Act Amendment Act, 1895," which Acts, so far as consistent with the provisions of this Act, shall be read as one with this Act. Incorporation.
3. This

*The South-Eastern Drainage Act Amendment Act.—1908.***PART I.**  
Divisions of Act.**3.** This Act is divided into Parts and Divisions as follows:—**PART I.**—Preliminary.**PART II.**—The South-Eastern Drainage Assessment Board.**PART III.**—The South-Eastern Drainage Management Board—**DIVISION I.**—Constitution of Board:**DIVISION II.**—Functions of Board.**PART IV.**—Construction of Drain on Petition of Landholders.**PART V.**—General Provisions and Legal Procedure.

## Repeal.

**4.** (1) “The South-Eastern Drainage Amendment Act, 1900,” is hereby repealed.

(2) Such repeal shall not affect any right granted or accrued, liability incurred, duty imposed, or thing done or omitted to be done under the said Act, or any legal or other proceedings commenced or hereafter to be commenced with respect to any such matter or thing.

(3) All such matters and things are, so far as consistent with this Act, preserved and continued and declared to be of the same force and effect as if the said Act were still in force, or as if they were made or done under this Act, as the case may require.

(4) Any drain commenced under the provisions of the said Act may be completed as if this Act had not been passed, but upon the completion thereof the provisions of this Act shall have effect as if the said drain had been constructed under the provisions of this Act.

## Interpretation.

**5.** In this Act—

“Commissioner” means the Commissioner of Public Works for the time being or the Minister of the Crown for the time being discharging the duties of such Commissioner:

“Deputy Surveyor-General” means the person for the time being holding the office of Deputy Surveyor-General:

“Engineer-in-Chief” means the person for the time being holding the office of Engineer-in-Chief or discharging the duties of such office:

“Gazette” means *The South Australian Government Gazette*:

“Land” does not include any land situated within the boundary of any Municipal Corporation or town or township:

“Landholder” means the owner of any freehold estate in land the holder of land under agreement with the Crown for the sale of such land upon credit, the lessee of land held under lease from the Crown; and as to unleased Crown lands, the Commissioner of Crown Lands:

“Land

*The South-Eastern Drainage Act Amendment Act.—1908.*

“Land Board” means the Land Board under Part IV. of “The Crown Lands Act, 1903”:

PART I.

830 of 1903.

“Superintending Surveyor” means the person for the time being holding the office of Superintending Surveyor:

“Surveyor-General” means the person for the time being holding the office of Surveyor-General:

“The District Councils Act” means “The District Councils Act, 1887,” and all Acts amending or substituted for that Act:

“The South-East” means and includes that portion of the State comprised within the districts of the District Councils of Lacepede, Naracoorte, Lucindale, Robe, Beachport, Kennion, Penola, Benara, Mount Gambier West, Mount Gambier East, and Port MacDonnell, and that portion of the County of Cardwell defined in the First Schedule hereto.

## PART II.

PART II.

## THE SOUTH-EASTERN DRAINAGE ASSESSMENT BOARD.

6. (1) A Board, called “The South-Eastern Drainage Assessment Board,” and in this Act referred to as “the Assessment Board,” is hereby constituted.

South-Eastern  
Drainage Assessment  
Board.Of. Act 737, 1900,  
s. 8.

(2) The members of the Assessment Board shall be—

- (a) The Deputy Surveyor General;
- (b) The Superintending Surveyor;
- (c) A member of the Land Board, to be from time to time appointed by the Governor; and
- (d) Two representative members, who shall be residents of the South-East, to be appointed as hereinafter mentioned.

(3) The members of the Assessment Board shall be paid such fees and allowances for expenses as are from time to time fixed by the Commissioner.

7. For the purpose of electing representative members of the Assessment Board the South-East is hereby divided into two wards as follows:—

Wards for electing  
members of Assess-  
ment Board.

- 1. Ward No. 1—Comprising the districts of the District Councils of Lacepede, Naracoorte, and Lucindale, and the portion of the County of Cardwell defined in the First Schedule to this Act; and

11. Ward

*The South-Eastern Drainage Act Amendment Act.—1908.*PART II.

II. Ward No. 2—Comprising the districts of the District Councils of Robe, Beachport, Kennion, Penola, Benara, Mount Gambier West, Mount Gambier East, and Port MacDonnell.

Appointment of  
representative  
members of Board.

Cf. Municipal  
Tramways Act, 1906,  
s. 12.

8. (1) As soon as practicable after this Act comes into operation, and as to each ward, the Commissioner shall, by notice published in the *Gazette*, direct the nomination by each of the District Councils of the districts comprised in such ward of one member to represent such ward upon the Assessment Board.

(2) Thereupon each District Council in a ward may nominate a person who has signified in writing to the district clerk of such Council his willingness to act as a member of the Assessment Board. The nomination of every District Council shall be made by resolution of the majority of members thereof present at a meeting of the Council, and shall state the name and address of the person nominated. A certificate of such resolution certified in writing under the seal of the Council shall be sent to the Commissioner, and the nomination shall not be deemed valid unless such certificate is received by the Commissioner within twenty-eight days from the publication of the notice mentioned in subsection (1) hereof.

(3) The Commissioner shall, as to each ward, publish in the *Gazette* a notice, which shall state the names and addresses of the persons nominated by the District Councils in such ward, and shall, in the event of there being more than one person so nominated, by such notice appoint a date upon which a poll shall be taken for the election of a member to represent the ward upon the Assessment Board, and a person to act as Returning Officer for the ward for the purpose of such election.

(4) Upon the date so appointed, each District Council in the ward shall cause a poll to be taken within its district for the election of a member to represent the ward upon the Assessment Board. For the purpose of such election the portion of the County of Cardwell defined in the First Schedule to this Act shall be deemed to be within the district of the District Council of Lacepede.

(5) The following provisions shall apply to the taking of such poll within any district:—

(a) The District Council shall appoint a Returning Officer, not being one of the persons nominated as aforesaid, for the purpose of the poll:

(b) The persons to be submitted as candidates to the voters at the poll shall be all the persons nominated as aforesaid by the District Councils of the districts comprised in the ward; and their names and addresses shall appear on the ballot papers:

(c) The

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*The South-Eastern Drainage Act Amendment Act.—1908.*

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PART II.

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- (c) The persons entitled to vote at the poll shall be all the landholders of land comprised within the district, and each such landholder shall have one vote. In case of joint tenancy or tenancy in common the provisions of the District Councils Act in that behalf shall apply:
- (d) The Returning Officer shall, before the day appointed for the poll, cause to be furnished for use at each polling-place a list of the landholders entitled to vote at such polling-place, showing the land in respect of which each landholder is qualified to vote; and the Returning Officer shall, under his hand, certify such list to be correct:
- (e) Subject to the provisions of this Act, the poll shall be taken at the same places and in the same manner as polls for the election of district councillors under the District Councils Act are taken; and, subject as aforesaid, all the provisions of the District Councils Act as to polls at such elections and as to the rights, powers, and duties of Returning Officers, candidates, and other persons relating thereto or connected therewith shall, *mutatis mutandis*, apply to the poll and all matters relating thereto or connected therewith:
- (f) At the close of the poll the Returning Officer shall examine the votes, and openly declare the general state of the votes as the same are made up by him from the voting papers taken at the several voting places; and shall declare the result of the poll.
- (6) After the declaration of the result of the poll in any district, the Returning Officer appointed for such poll shall certify in writing under his hand the number of votes given for each candidate, and forward such certificate to the Returning Officer for the ward.
- (7) The Returning Officer for the ward shall, from the certificates forwarded to him by the Returning Officers for the districts in his ward, ascertain the total number of votes polled for each candidate, and, in the event of an equality of votes, shall give a casting vote for deciding the election; but, except for that purpose, he shall not vote at the election.
- (8) As soon as the result of the polling at the election in a ward has been finally ascertained the Returning Officer for the ward shall certify in writing under his hand the name of the person elected to represent such ward upon the Assessment Board, and shall forward such certificate to the Commissioner; and the Commissioner shall, by notice in the *Gazette*, declare such person to be appointed a member of the Assessment Board.
- (9) In case the nomination of only one person to represent a ward is received by the Commissioner, as mentioned in subsection (2) of this section, such person shall be deemed to be duly elected to represent such ward; and the Commissioner shall, by notice in the *Gazette*, declare such person to be appointed a member of the Assessment Board.
- (10) The

*The South-Eastern Drainage Act Amendment Act.—1908.***PART II.**

(10) The *Gazette* containing a notice, in pursuance of subsection (8) or subsection (9) of this section, shall be conclusive evidence of any appointment so notified.

Commissioner may appoint members in case of unreasonable delay.

Cf. *ibid.*, s. 13.

**9.** (1) If, for the purpose of the appointment of either of the first two representative members, or any subsequent representative member, of the Assessment Board—

(a) As to either ward, no nomination of a person to represent such ward is received by the Commissioner as mentioned in the next preceding section; or

(b) In no district comprised in such ward is a poll taken pursuant to the said section;

the Commissioner may appoint some person to be a member of such Board, who shall be deemed to be duly elected to represent such ward and to be duly appointed under the said section.

(2) The Commissioner shall notify such appointment in the *Gazette*, and the notice in the *Gazette* shall be conclusive evidence of such appointment and of the validity thereof.

Method of filling vacancies.

Cf. *ibid.*, s. 14.

**10.** (1) When the office of a representative member of the Assessment Board becomes vacant, or under section 12 is about to become vacant, it shall be filled in manner provided by section 8 hereof, varied as the circumstances of the case require, except that, for the purpose of filling vacancies arising under section 12, the polls in the various districts comprised in the ward shall be taken at the same times and places as the polls at the annual elections of district councillors held under the District Councils Act within such districts respectively, or if, in any of such districts, no poll is taken at such annual election, then at the times and places when and where such poll, if taken, would be taken.

(2) A member appointed to fill such a vacancy caused otherwise than pursuant to section 12 hereof shall hold office only during the period for which his immediate predecessor would have held such office.

(3) Pending the filling of any vacancy, the Commissioner may appoint a person to be a member of the Assessment Board to hold office during the interval between the occurring of the vacancy and the appointment, in manner provided by section 8, of a person to fill such vacancy.

Appointment to be for six years.

Cf. *ibid.*, s. 15.

**11.** Every representative member shall, subject to the next preceding section, be deemed to have been appointed for six years.

One local member to retire every three years.

Cf. *ibid.*, s. 16.

**12.** (1) On the first Saturday in July, in the year one thousand nine hundred and eleven, one representative member of the Assessment Board, to be determined by the Commissioner by lot, shall retire, and a member shall be elected to represent the ward represented by such member, and shall be appointed a member of the Assessment Board

(2) On

*The South-Eastern Drainage Act Amendment Act.—1908.***PART II.**

(2) On the first Saturday in July, in the year one thousand nine hundred and fourteen, the representative member of the Assessment Board for the time being representing the ward other than that referred to in subsection (1) of this section shall retire; and so on, alternately as between the members representing the two wards, on the first Saturday in July in every third year one representative member of the said Board shall retire; and upon each such retirement a member shall be elected to represent the ward represented by the retiring member, and shall be appointed a member of the Assessment Board.

(3) If at any time after the passing of this Act the day of the year for the retirement of district councillors throughout the South-East is altered, the day of the year for the retirement of members of the Assessment Board shall also be altered, so as to be the same from time to time as the day for the retirement of district councillors.

(4) Upon each such appointment of a member of the Assessment Board the Commissioner shall, by notice in the *Gazette*, declare such person to be appointed a member of the Board, and such notice shall be conclusive evidence of such appointment.

(5) A retiring member shall be eligible for reappointment, and shall hold office until his successor is appointed.

**13.** The member of the Land Board to be a member of the Assessment Board shall hold office during the Governor's pleasure.

Land Board member to hold office during pleasure.

**14.** The office of a member of the Assessment Board appointed by the District Council shall be vacated in case of his—

Vacation of office of representative member.

- i. Death, lunacy, insolvency, execution of a statutory deed of assignment for the benefit of creditors, composition with creditors for less than Twenty Shillings in the Pound, or conviction for felony or misdemeanor;
- ii. Absence without leave of the Assessment Board from three consecutive meetings of such Board, followed by resolution of such Board declaring the office vacant, which resolution such Board may pass if it thinks fit, but not later than six weeks after the last of such three consecutive meetings;
- iii. Absence from the State for three consecutive months without leave of the Assessment Board;
- iv. Retirement by rotation, as by this Act provided;
- v. Resignation by notice in writing delivered to the Assessment Board; or
- vi. The judgment or order of any duly authorised Court or Justices declaring his office vacant.

**15.** (1) The

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Board may act notwithstanding vacancy.

**15.** (1) The Assessment Board may act notwithstanding a vacancy in its membership; and no act or proceeding of the Board shall be invalidated or illegal in consequence only of such vacancy existing at the time of such act or proceeding.

(2) All acts and proceedings of the Assessment Board shall, notwithstanding the subsequent discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to be a member or to act as such, be as valid as if such member had been duly appointed and was qualified to be and to act as a member of such Board.

Quorum.

**16.** Any three members of the Assessment Board shall form a quorum for the transaction of business.

Chairman.

**17.** The Governor shall from time to time appoint one of the members of the Assessment Board to be chairman thereof, and may revoke any such appointment at pleasure. When the chairman is absent from any meeting the members present shall appoint one of their number to be acting chairman during such absence. The chairman or acting chairman shall have a casting as well as a deliberative vote.

**PART III.****PART III.****THE SOUTH-EASTERN DRAINAGE MANAGEMENT BOARD.****DIVISION I.****DIVISION I.—CONSTITUTION OF BOARD.**

South-Eastern Drainage Management Board.

New.

To be a corporate body.

**18.** A Board, called "The South-Eastern Drainage Management Board," and in this Act referred to as "the Drainage Board," is hereby constituted.

**19.** (1) The Drainage Board shall be a body corporate under the name of "The South-Eastern Drainage Management Board," and shall have perpetual succession and a common seal, and by such name shall be capable of suing and being sued, and of being a party to arbitration, and of purchasing, holding, and alienating land, and of doing and suffering, subject to this Act, all such other acts and things as bodies corporate may by law do and suffer.

(2) All Courts, Judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument, and shall presume that the same was properly affixed thereto.

Members of Board.

**20.** The Drainage Board shall consist of five members, as follows—

(a) One member to be from time to time appointed by the Governor, who shall be the chairman of such Board; and

(b) Four representative members, who shall be residents of the South-East, to be appointed as hereinafter mentioned.

**21.** For



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**21.** For the purpose of electing representative members of the Drainage Board, the South-East is hereby divided into four wards, as follows:—

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DIVISION I.**

Wards for electing members of Drainage Board.

- i. Ward No. 1—Comprising the district of the District Council of Lacepede and the portion of the County of Cardwell, defined in the First Schedule to this Act ;
- ii. Ward No. 2—Comprising the districts of the District Councils of Naracoorte and Lucindale ;
- iii. Ward No. 3—Comprising the districts of the District Councils of Robe, Beachport, and Kennion ; and
- iv. Ward No. 4—Comprising the districts of the District Councils of Penola, Benara, Mount Gambier West, Mount Gambier East, and Port MacDonnell.

**22.** All the provisions of sections 8 to 11 inclusive relating to members of the Assessment Board shall apply, *mutatis mutandis*, to the representative members of the Drainage Board.

Appointment of representative members of Board.

**23.** (1) On the first Saturday in July, in the year one thousand nine hundred and eleven, two representative members of the Drainage Board, to be determined by the Commissioner by lot, shall retire, and members shall be elected to represent the wards represented by such members, and shall be appointed members of the Drainage Board.

Two representative members to retire every three years.

(2) On the first Saturday in July, in the year one thousand nine hundred and fourteen, the representative members of the Drainage Board for the time being representing the wards other than those referred to in subsection (1) of this section shall retire ; and so on, alternately as between the members representing the four wards, on the first Saturday in July in every third year two representative members of the said Board shall retire ; and upon each such retirement members shall be elected to represent the wards represented by the retiring members, and shall be appointed members of the Assessment Board.

(3) If at any time after the passing of this Act the day of the year for the retirement of district councillors throughout the South-East is altered the day of the year for the retirement of members of the Drainage Board shall also be altered, so as to be the same from time to time as the day for the retirement of district councillors.

(4) Upon each such appointment of a member of the Drainage Board the Commissioner shall, by notice in the *Gazette*, declare such person to be appointed a member of such board, and such notice shall be conclusive evidence of such appointment.

(5) A retiring member shall be eligible for reappointment and shall hold office until his successor is appointed.

**24.** The member of the Drainage Board appointed by the Governor shall hold office during the Governor's pleasure.

Member appointed by Governor to hold office during pleasure.

**25.** All

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DIVISION I.Vacation of office of  
representative  
member.

**25.** All the provisions of section 14 hereof relating to the office of a member of the Assessment Board shall apply, *mutatis mutandis*, to the office of a representative member of the Drainage Board, and in addition the office of such representative member shall be vacated if he—

- (a) Holds any office or place of profit in the gift or disposal of the Drainage Board, or
- (b) By himself, his partner, or otherwise has any interest in any contract or agreement with or any employment under the Drainage Board.

Board may act  
notwithstanding  
vacancy.

**26.** All the provisions of sections 15 and 16 hereof relating to the Assessment Board shall apply *mutatis mutandis* to the Drainage Board.

Regulations for  
business of Drainage  
Board.

**27.** The Drainage Board may from time to time make, amend add to, and annul regulations for or relating to—

- i. The times and places and notices of its meetings:
- ii. The conduct of its proceedings and business:
- iii. The duties, control, supervision, and guidance of its officers, and servants:
- iv. The use of its common seal.

All such regulations shall be published in the *Government Gazette*; and the *Gazette* purporting to contain any such regulation, amendment, addition, or annulment shall be conclusive evidence thereof and that it was duly made or effected.

Fees and allowance  
to members

**28.** (1) Each representative member of the Drainage Board shall be paid out of the funds of such Board by way of remuneration for his services the sum of One Pound for each meeting of the Board which he attends: Provided that such remuneration in case of any such member shall not exceed the sum of Seventy-eight Pounds in any one year.

(2) The member of the Drainage Board appointed by the Governor shall be paid out of the General Revenue of the State such salary for his services as the Commissioner determines.

(3) All members of the Drainage Board shall, in addition to the amounts hereinbefore mentioned, be paid out of the funds of such Board their travelling expenses incurred in connection with the business of such Board according to such scale as the Commissioner thinks reasonable and fixes from time to time.

Officers and auditors  
of Drainage Board.

**29.** The Drainage Board—

May from time to time appoint and employ such officers and servants as they deem necessary for enabling the Board to carry into execution its various powers and duties, at such salaries

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salaries and wages and with such allowances for expenses as the Board deems proper, and may remove or dismiss any officer or servant at pleasure, but without prejudice to the rights of any person wrongfully removed or dismissed:

Shall appoint two auditors (not being members of such Board) every year, who shall hold office for one year and shall be paid such remuneration as the Board thinks proper. No person shall be appointed an auditor for more than two consecutive years.

**30. The Drainage Board—**

Minutes and accounts  
of Drainage Board  
and audit.

Shall cause proper minutes or records of all its proceedings to be kept. Every minute or record purporting to be signed by the chairman or acting chairman of such Board and every document purporting to be certified as a correct copy of any minute or record under the hand of the chairman shall be presumed to be the minute or record or a correct copy thereof, and shall be evidence of the matters therein stated according to its purport:

Shall cause to be kept proper books of account for the purpose of entering all sums of money received and paid on behalf of such Board, which books and all vouchers shall at all times be open to the inspection of the auditors and of the chairman of any of the District Councils or any person appointed for that purpose in writing by the chairman of any of the District Councils:

Shall cause the accounts of such Board to be balanced annually, and to be delivered to the auditors for examination within thirty days next after the thirtieth day of November in each year. The auditors shall carefully examine such accounts with the books, papers, and vouchers of the Board, and shall cause the same to be corrected or altered whenever found necessary; and for the purpose of completing such audit, their duties shall continue until such accounts have been duly examined and audited by them, notwithstanding that their successors have been appointed: Provided that the Governor may at any time cause the accounts of such Board to be audited by the Commissioner of Audit or any other person appointed by the Governor; and the Commissioner of Audit or person so appointed shall, for the purposes of such audit and accounts, have all the powers for the time being vested by law in the Commissioner of Audit in relation to the audit of public accounts:

Shall cause an account of all moneys received and expended by virtue of and for the purposes of this Act, signed by the chairman and certified by the auditors, specifying the total sum received from each source of income, and the total

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total annual revenue, and the total amounts disbursed under each head of expenditure, and the total annual outlay, made up to the thirtieth day of November in each year, to be laid before Parliament on or before the first day of March next ensuing if Parliament is then in Session; otherwise as soon thereafter as Parliament is in Session. Such annual account shall, on or before the first day of March, also be printed and published for distribution or advertised for public information as such Board directs.

## DIVISION II.

## DIVISION II.—FUNCTIONS OF BOARD.

Commencement and application of this Division.

**31.** The provisions of this Division of this Part shall come into force on a date to be fixed by the Governor by Proclamation published in the *Gazette*, and shall apply to the South-East only.

Powers and duties of District Councils to vest in Drainage Board as to South-East.

Cf. 629, 1895, s. 3.

**32.** (1) Upon the date referred to in the next preceding section all the property, rights, powers, functions, obligations, duties, and immunities of the District Councils, and any of them, under or by virtue of the principal Act or "The South-Eastern Drainage Act Amendment Act, 1895," and all other property, rights, powers, functions, obligations, duties, and immunities of the District Councils, and any of them, whether by Statute or otherwise, in connection with or for the purposes of main and district drains and drainage works, or any of them, shall cease to be vested in or exercised, performed, or enjoyed by the District Councils or any of them; and upon the said date and thereafter all such property, rights, powers, functions, obligations, duties, and immunities of the District Councils, and any of them, and all powers, functions, obligations, duties, and immunities which before the passing of the last-mentioned Act might be exercised, performed, or enjoyed within the South-East by a Drainage Board or Boards shall be vested in and be exercised, performed, and enjoyed throughout the South-East by the Drainage Board.

(2) Upon the said date and thereafter—

629 of 1895.

(a) All the provisions of the principal Act and of "The South-Eastern Drainage Act Amendment Act, 1895," so far as they apply to the District Councils and their districts shall apply to the Drainage Board and the South-East to the same extent as if the Drainage Board and the South-East had been referred to in the last-mentioned Act in place of District Councils or a District Council and their districts or district; and

(b) The South-East shall be a Drainage District within the meaning of the principal Act.

The Drainage Board to have control and management of all drains.

Cf. Act 629, 1895, s. 4.

**33.** The Drainage Board shall have the care, control, and management of all main and district drains and drainage works within the South-East, whether heretofore or hereafter constructed, and shall thoroughly cleanse, repair, and maintain the same in a due

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due state of efficiency to the satisfaction of the Commissioner ; and if the Drainage Board fails to cleanse or repair any drain or drainage work under its control within a reasonable time after being required by the Commissioner to do so, the Commissioner may cause the same to be cleansed or repaired, as the case may require ; and the cost thereof shall be paid by the Drainage Board to the Commissioner, or may be deducted from any money or subsidy payable by the Government to the Drainage Board or from any money or subsidy payable by the Government to any of the District Councils within whose district such drain or drainage work is situated, or partly from one and partly from the other of such moneys and subsidies.

**34.** The Commissioner may out of moneys voted by Parliament for the purpose make advances to the Drainage Board for the construction of district drains and drainage works, and such moneys shall be repaid to the Commissioner in twenty yearly equal instalments, together with interest at a rate of not exceeding Five Pounds per centum per annum, to be fixed by the Commissioner.

Loans to Drainage Board.

Cf. *ibid.*, s. 6.

**35.** State advances may be made pursuant to "The State Advances Act, 1895," and any Act amending the same or any Act substituted therefor in lieu of the advances mentioned in the next preceding section, and the Drainage Board shall be a local authority within the meaning of such Acts.

State advances may be made in lieu of loans.

Cf. *ibid.*, s. 7.  
633 of 1895.

**36.** The Drainage Board may, with the consent of the Commissioner, connect district drains with main drains.

Power to connect district drains with main drains.

Cf. *ibid.*, s. 8.

**37.** All district drains and drainage works undertaken by the Drainage Board shall be constructed under the supervision and subject to the direction and control of the Engineer-in-Chief.

Drains to be constructed under superintendence of Engineer-in-Chief.

Cf. *ibid.*, s. 9.

**38.** With regard to any works to be constructed under this Part and for the purposes of the Acts mentioned in section 10 of "The South-Eastern Drainage Act Amendment Act, 1895" [namely, "The Lands Clauses Consolidation Act" (being No. 6 of 1847), the Act to amend the same (being No. 26 of 1855-6), and the "Lands Clauses Consolidation Act Amendment Act, 1881" (being No. 202 of 1881), except sections 110, 114, 115, 116, 117, and 118 of the Act No. 6 of 1847], the expressions "the promoters of the undertaking" and "the special Act" shall, whenever used in the said Acts mentioned in the said section 10, or any of them, mean the Commissioner or the Drainage Board (as the case may be) and this Act respectively: Provided that, for the purposes of section 13 of the said Act No. 202 of 1881, there shall be deemed to be no such special Act.

Lands Clauses Consolidation Acts incorporated.

Cf. *ibid.*, s. 10.

**39.** In estimating the compensation or purchase-money to be paid by the Commissioner or the Drainage Board for any land acquired for the construction of any drain or drainage works or any damage

Enhancement in value to be considered in fixing compensation.

Cf. *ibid.*, s. 11.

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damage suffered by reason of such construction, the enhancement in value of any lands belonging to the person to whom the compensation, purchase-money, or damage is to be paid, and the value of any other benefit or advantage which such person has obtained or may or will obtain by reason of the construction of such drain or drainage works, shall be deducted from the amount of such compensation, purchase-money, or damage.

Assessment of lands  
for drainage purposes.  
Cf. *ibid.*, s. 12.

**40.** The Drainage Board may, whenever they consider it necessary, cause an assessment to be made of all or any ratable property (within the meaning of the District Councils Act) within the South-East, and of the increase in value of such ratable property due to the construction of the drains and drainage works in the South-East, the assessment of such increased value to be made according to a percentage of five per centum on the increased value of the fee-simple of such ratable property.

Drainage Assessment  
Book.  
Cf. *ibid.*, s. 13.

**41.** Every such assessment shall be written in a book, to be called the "Drainage Assessment Book," and such book shall be in the form in the Eleventh Schedule to "The District Councils Act, 1887," except that an additional column under the heading "Assessed value of increase in fee-simple value due to drains and drainage works" may be added to Part I. thereof, and all columns in Part II. showing rates declared may be omitted, and an additional column added under the heading "Drainage rate declared on the day of \_\_\_\_\_, 19\_\_\_\_," with sub-headings "Amount payable" and "When paid."

Drainage rates may  
be levied.  
Cf. *ibid.*, s. 14.

**42.** The Drainage Board may declare and levy an annual rate on all ratable property entered in the Drainage Assessment Book, to be called the "drainage rate," and such rate shall be a differential rate, that is to say, the amount thereof shall vary with the increase in value of the ratable property due to the construction of drains and drainage works, and shall be calculated at a percentage on the assessment of such increased value.

Provisions of District  
Councils Act to apply.  
Cf. *ibid.*, s. 15.

**43.** All provisions of the District Councils Act relating to assessments and rates and the recovery of rates (except as to limitations of the amounts of rates), and the forms therein provided for, varied as the circumstances may require, shall, so far as applicable thereto, apply to the assessments and rates herein provided for and the recovery of such rates.

How drainage rate  
expended.  
Cf. *ibid.*, s. 16.

**44.** The moneys derived from the drainage rate shall be expended only in cleansing, repairing, and maintaining drains and drainage works, in repayment of advances made by the Commissioner and the interest thereon, and in expenses connected with the care, control, and management of drains and drainage works.

District Councils may  
provide money for  
drainage purposes.  
Cf. *ibid.*, s. 17.

**45.** Notwithstanding anything herein contained, any of the District Councils may pay to the Drainage Board any portion of its ordinary

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ordinary revenue to be expended by such Board within the district of such District Council for any of the purposes specified in the next preceding section and for the construction of district drains and drainage works within such district.

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**46.** Nothing in this Part or elsewhere in this Act contained shall be held to derogate from or in any way diminish the effect of the provisions of section 32 hereof.

Special provisions not to derogate from general provisions.

**47.** (1) Any person constructing any drain or drainage works to connect with any main or district drain, or any drainage works under the care, control, and management of the Drainage Board, without the licence in writing of such Board first obtained, shall be guilty of an offence against this Act, and shall for every such offence be liable to a penalty of not more than Twenty Pounds.

Licence required for private drains.

Cf. Act 104, 1878, s. 49.

(2) Any such licence may authorise the person so licensed to construct a drain or drainage works through any land; and any question of compensation between such person and the owners or occupiers of any land for any damage arising from or in connection with the construction of such drain or works shall be determined by the Drainage Board, whose decision shall be final and not subject to any appeal or to be questioned in any way.

Cf. *ibid.*, s. 48.

**48.** (1) Any person obtaining such licence as mentioned in the next preceding section shall construct the drains or works only in manner prescribed by such licence, and to the satisfaction of the Drainage Board, and within the time (if any) limited by such licence, and shall keep the drain or works if and when constructed in good and substantial repair and properly cleansed.

To be constructed to satisfaction of Board and kept in repair.

Cf., *ibid.* s. 50.

(2) If such person fails to construct such drain or works, or to construct the same as mentioned in subsection (1) of this section, or to keep the same in repair or cleansed as aforesaid, the Drainage Board may construct the same or repair or cleanse the same (as the case may require), and in that case such person shall be liable for all costs and expenses incurred by such Board in so doing, and the same may be recovered by the Board in any Court of competent jurisdiction, or by distress and sale of any goods and chattels on any property of such person.

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PART IV.

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PART IV.

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CONSTRUCTION OF DRAIN ON PETITION OF  
LANDHOLDERS.

**49.** A petition may be presented to the Commissioner by landholders requesting that a drain or drains (hereafter in this Part called "the drain") indicated in the petition be constructed.

Petition for drain.

Cf. Act 737, 1900, s. 3 (part).

**50.** Such petition shall be in the form in the Second Schedule hereto, and each signature thereto shall be witnessed by some person who

Form of petition.

Cf. *ibid.*, s. 4

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who shall make a declaration before a Justice of the Peace in the form at the end of said Second Schedule; and any person wilfully making any false statement in such declaration shall be guilty of a misdemeanor, and shall be liable, on conviction, to imprisonment with hard labor for any term not exceeding two years.

Engineer-in-Chief's  
preliminary report.  
Cf. *ibid.*, s. 3 (part).

**51.** The Commissioner shall refer the petition to the Engineer-in-Chief, who shall as soon as practicable furnish the Commissioner with a preliminary report certifying—

- (a) Whether or not he recommends the construction of the drain;
- (b) What lands will, in his opinion, be benefited by the drain;
- (c) His estimate of the cost of constructing the drain.

Commissioner's  
approval.  
Cf. *ibid.*, s. 5.

**52.** (1) After receiving the Engineer-in-Chief's report the Commissioner shall, if he approves of the construction of the drain, by notice in the *Gazette* (hereafter in this Act called "the Commissioner's declaration") declare—

- (a) That he approves of the same; and
- (b) The particulars referred to in paragraphs (b) and (c) of the next preceding section hereof.

(2) The Commissioner's declaration shall be conclusive as to what lands will be benefited by the drain.

(3) The Commissioner's declaration may be in the form in the Third Schedule hereto.

Commissioner to  
decide whether  
petitioners are  
majority of  
landholders and hold  
three-fourths in value  
of benefited lands.

Cf. *ibid.*, s. 3 (part).

**53.** (1) Unless within one month of the publication of the Commissioner's declaration in the *Gazette* what the Commissioner in his discretion considers to be a substantial number of the petitioners, by notice in writing received by the Commissioner, withdraw the petition, the Commissioner shall decide whether or not the petitioners are a majority of the landholders of the lands which will be benefited by the drain, and whether or not the value of the lands of which they are the landholders is at least three-fourths of the value of all the lands which will be benefited by the drain.

(2) In this section "value" means—

- I. As to lands assessed for the purposes of land tax, the unimproved value of such lands as so assessed;
- II. As to lands not so assessed, the unimproved value of such lands as assessed by the Assessment Board.

(3) For the purpose of deciding as in this section mentioned the Commissioner shall, upon receiving the Engineer-in-Chief's report, direct the Assessment Board to assess the unimproved value of the lands referred to in paragraph II. of subsection (2) of this section, and the Assessment Board shall as soon as practicable thereafter make their assessment.

(4) Upon



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(4) Upon deciding as in subsection (1) of this section mentioned, the Commissioner shall publish his decision by notice in the *Gazette*, and such notice shall be conclusive as to the accuracy of such decision.

**54.** If the Commissioner decides that the petitioners are a majority of the landholders of the lands which will be benefited by the drain, and that the value of the lands of which they are the landholders is at least three-fourths of the value of the lands which will be benefited by the drain, the Commissioner shall, after the publication of his decision in the *Gazette*, proceed with the construction of the drain out of moneys provided by Parliament for the purpose of constructing drains :

Construction of drain.  
Cf., *ibid.*, s. 6.

Provided that before the construction of any such drain is proceeded with the Engineer-in-Chief shall supply to one of the applicants, to be nominated for the purpose by a majority of the petitioners, a plan and specification of the proposed works to be undertaken, together with an estimate of the cost thereof :

Provided also that so soon as tenders shall have been received for the proposed works copies of all tenders and the amounts thereof shall be similarly supplied to the person nominated by the petitioners.

If within twenty-one days from the receipt of the tenders by the petitioners' nominee a majority of the petitioners shall signify to the Commissioner of Crown Lands that they do not desire the work to be proceeded with the Commissioner shall not accept any tender for the proposed work. The costs of the preparation of plans and calling for tenders shall be borne by the petitioners.

**55.** The cost of constructing the drain shall be deemed to be an advance by the Commissioner to all the landholders of the lands which will be benefited by the drain, and such advance shall be repaid to the Commissioner by such landholders, with interest thereon at the rate of Four Pounds per centum per annum, in the proportions to be ascertained as hereinafter mentioned.

Cost to be paid by  
landholders.  
Cf. *ibid.*, s. 7.

**56.** (1) When the construction of the drain is completed the Engineer-in-Chief shall furnish the Commissioner with a final report, certifying the date of the completion and the cost of the construction of the drain.

Engineer-in-Chief's  
final report.  
Cf. *ibid.*, s. 16.

(2) The Commissioner shall, by notice in the *Gazette*, publish such report, and such notice shall be conclusive as to the date of completion of the drain and the cost of construction thereof, notwithstanding that it differs from any previous estimate of the cost.

**57.** (1) The Assessment Board shall, within three years after the date of completion of the drain, make a preliminary apportionment of the cost of the construction thereof amongst all the landholders

Preliminary  
apportionment of  
the cost.  
Cf. *ibid.*, s. 9.

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holders of the lands benefited by the drain, as declared by the Commissioner's declaration.

(2) The Assessment Board shall by notice published in the *Gazette* set forth the preliminary apportionment. Such notice may be in the form in the Fourth Schedule hereto. The *Gazette* containing such notice shall be conclusive as to such apportionment.

Objection to the apportionment.

Cf. *ibid.*, s. 10.

**58.** (1) Any landholder may, within two months after the publication of the notice of preliminary apportionment, object to the amount of the cost apportioned to him by such apportionment. The objection shall be made by notice served on the Commissioner, and may be in the form in the Fifth Schedule hereto.

(2) Proof of the posting of the notice of objection as a registered letter addressed to the Commissioner shall be sufficient evidence of the service thereof.

Determination of objection.

Cf. *ibid.*, s. 11.

**59.** (1) Every objection shall be considered by the Assessment Board at a time fixed by notice posted to the objector, not being less than seven days after the posting of such notice, and at a place fixed by such notice: Provided that the consideration of any objection may be adjourned from time to time and from place to place as such Board deems convenient.

(2) The objector may attend any meeting of the Assessment Board held to consider his objection, and may produce such evidence as such Board deems relevant.

(3) The Assessment Board may make any inquiries they deem necessary, and inform themselves in such manner as they deem fit for the purpose of determining the objection, and shall not be bound to observe any rules of evidence or procedure.

(4) The Assessment Board shall consider the objection and determine the same as they find to be fair and equitable, and may confirm or increase or decrease the amount of the cost apportioned to the objector, and may, if the amount is confirmed or increased, order the objector to pay the costs occasioned by the objection.

(5) The determination of the Assessment Board shall be final, and not subject to any appeal or to be questioned in any way.

Adjustment of apportionment.

New.

**60.** If upon the consideration of any objection to the preliminary apportionment the amount apportioned to any landholder is altered, the Assessment Board shall adjust the amounts apportioned to other landholders as may be found necessary.

Final apportionment.

Act 737, 1900, sec. 12.

**61.** The Assessment Board shall forthwith, after the time for objecting has expired, if no objection is pending, or if any objection is pending, then forthwith after the determination of all objections, make their final apportionment of the cost of the construction of the drain, and fix the yearly instalments to be paid by each landholder to the Commissioner and the date upon which the first instalment is to be paid.

**62.** (1) The

*The South-Eastern Drainage Act Amendment Act.—1908.*

**62.** (1) The Assessment Board shall publish in the *Gazette* a notice setting forth the final apportionment, the yearly instalments, and the date upon which the first instalments are to be paid.

**PART IV.**  
Notice of  
apportionment.

Cf. *ibid.*, s. 13.

(2) Such notice may be in the form in the Sixth Schedule hereto, and shall be conclusive evidence of all matters set forth therein, and of the validity thereof.

**63.** (1) The amount of the proportion of the cost of construction apportioned to any landholder shall be a debt due from such landholder to the Commissioner, and shall be a first charge upon the land of such landholder which is benefited by the drain, and shall be paid by such landholder to the Commissioner, with interest thereon at the rate of Four Pounds per centum per annum, in forty-two equal yearly instalments, according to the scale set forth in the Seventh Schedule hereto.

Repayment of cost  
of construction.

Cf. *ibid.*, s. 14.

(2) The first of such instalments shall become due on the first day after the expiration of five years from the date of the completion of the drain, and one of such instalments shall fall due on the same day in each year thereafter until the whole debt has been paid: Provided that any landholder may at any time pay the balance of the amount charged on his land, with any interest then due, whereupon his liability and the charge upon his land shall cease.

(3) In computing the amount of the yearly instalments the interest for the first five years shall be added to the amount of the proportion of the cost of construction, but no interest shall be charged upon the interest for such five years.

(4) The charge upon the land may be enforced by the Commissioner as if he were a mortgagee under "The Real Property Act, 1886."

380 of 1886.

**64.** (1) Where any land charged as in the next preceding section mentioned is subject to a lease to any person other than the landholder of such land, the lessee under such lease shall pay to the landholder during the currency of such lease such proportion of each annual instalment payable by the landholder as may be agreed between them.

Lessees to pay  
proportion of cost  
to landholder.

Cf. *ibid.*, s. 15.

(2) In default of agreement, the amount of the proportion to be paid by the lessee shall be settled by the Assessment Board on the application of either the landholder or the lessee.

(3) Such application shall be made by notice served on or sent by registered post to the other party and the Assessment Board.

(4) The application shall be heard by the Assessment Board at a time fixed by notice posted to both parties, not being less than seven days after the posting, and at a place fixed by such notice: Provided that the hearing may be adjourned from time to time and from place to place as such Board deems convenient.

(5) The

*The South-Eastern Drainage Act Amendment Act.—1908.***PART IV.**

(5) The Assessment Board may inform themselves in such manner as they deem fit for determining the proportion to be paid by the lessee, and shall not be bound to observe any rules of evidence or procedure.

(6) The Assessment Board shall determine the matter as they deem fair and equitable, and may order either party to pay the costs of the application, not exceeding Five Pounds.

(7) The determination of the Assessment Board shall be final, and not subject to any appeal or to be questioned in any way.

Recovery by distress  
Ibid., s. 18.

**65.** In addition and without prejudice to any other remedy, the Commissioner may recover any instalment due to him from any landholder, which remains unpaid for three months after the same has become due, by distress and sale of any goods and chattels on any land upon which the debt due from the landholder to the Commissioner is charged, or such instalment may be recovered in any Court of competent jurisdiction by action in the name of the Commissioner from the landholder of such land for the time being, and no statute of limitations shall affect any such action.

**PART V.****PART V.****GENERAL PROVISIONS AND LEGAL PROCEDURE.**

Act No. 629 of 1895  
to remain in force.

**66.** Nothing in this Act shall be held to limit the operation of section 2 of "The South-Eastern Drainage Act Amendment Act, 1895," and that Act shall, except so far as inconsistent with or repugnant to this Act, remain in full force and effect.

In proceedings fee-  
simple deemed to be  
vested in Drainage  
Board or District  
Councils.

Cf., Act 104, 1878, s.  
17.

**67.** Except in any proceedings taken or defended on behalf of the Crown against the Drainage Board or a District Council, and notwithstanding the provisions of sections 13 and 14 of the principal Act, the Drainage Board or a District Council respectively shall in all proceedings in all Courts of Justice, and before all tribunals and persons, and for all purposes whatever, be deemed to have vested in it the fee-simple of the main and district drains and drainage works under its care, control, and management; and in any legal or other proceedings, except as aforesaid, taken or defended by such Board or Council in respect thereof no proof whatever shall be required of such fact, and the mere allegation by such Board or Council of the vesting of the same shall be taken for all purposes to be full and sufficient proof thereof.

Penalty for  
obstruction or  
nuisance.

Cf. ibid., s. 36.

**68.** Any person causing or permitting any obstruction in, or otherwise injuriously affecting, any main or district drain or drainage work, or any drain or wall, heretofore or hereafter constructed or commenced by the Commissioner, any Drainage Board, any District Council or Councils, or the Drainage Board, or causing any filthy or unwholesome water, or washings of manufactories or mines, or other foul or poisonous liquid, to flow into any such drain or drainage work, without the consent of the Commissioner or the authority

*The South-Eastern Drainage Act Amendment Act.—1908.***PART V.**

authority having the care, control, and management of such drain or drainage work first obtained, shall, for every such offence, incur a penalty not exceeding Five Pounds, and a further penalty of Two Pounds for every day during which the offence is continued.

**69.** All proceedings in respect of offences against this Act or any Act incorporated herewith shall be by information, and shall be heard and determined in a summary way before any Special Magistrate or any two or more Justices, under the Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4, or any Act for the time being in force relating to the duties of Justices as to summary proceedings. Proceedings for offences.

**70.** There shall be an appeal from any decision or order of a Special Magistrate or Justices in any proceedings in respect of offences against this Act to the Local Court of Adelaide of Full Jurisdiction, or to the nearest Local Court of Full Jurisdiction. Such appeal shall be regulated by the said Ordinance No. 6 of 1850 and the said Act No. 298 of 1883-4, or any Act for the time being in force relating to appeals to Local Courts. The Court on such appeal may make any order as to costs which it thinks fit, although such costs exceed Ten Pounds. Appeal.

**71.** (1) The Local Court may state a special case for the opinion of the Supreme Court. Special case.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to costs of the proceedings in that Court and the Courts below, as to the said Supreme Court appears just.

**72.** The forms in the Schedules hereto shall as far as practicable be adhered to, but may be altered or varied as the case may require. No notice shall be deemed bad or insufficient if in substance it complies with the requirements of this Act. Forms and notices.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

THE

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*The South-Eastern Drainage Act Amendment Act.—1908.*


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## THE SCHEDULES.

Sec. 5.

## THE FIRST SCHEDULE.

*Portion of the County of Cardwell included in the "South-East."*

That portion of the county of Cardwell enclosed by a line commencing at the intersection of the western side of a road 174 chains 18 links east of the north-west corner of block 11, hundred of Landseer, with the south boundary of county Cardwell; running thence north for seven miles; thence west to the sea coast; thence in a south-easterly direction along the sea coast to the south boundary of county Cardwell; and thence east along the said south boundary of county Cardwell to the point of commencement.

Sec. 50.

## THE SECOND SCHEDULE.

"The South-Eastern Drainage Amendment Act, 1908."

*Form of Petition to Construct Drain.*

To the Commissioner of Public Works, Adelaide.

We, the undersigned, being a majority of landholders and representing three-fourths in value of the land to be improved by the construction of the drain herein-after mentioned, hereby request you to construct the drain following, namely [*describe drain*].

The following are the lands which will be benefited by such drain [*here set out sections or blocks and hundreds*].

And we each undertake to pay our proportion of the cost of the construction of such drain at the times and in the manner provided by "The South-Eastern Drainage Act Amendment Act, 1908."

The full names, addresses, and occupations of each of us, and particulars of the lands to be benefited by the drain of which we are landholders, are set out below:—

Christian and Surname in full.	Address.	Occupation.	Particulars of Land, giving Section Number and Hundred.	Signature.	Signature of Witness.

Dated the                      day of                      , 19                      .

*Declaration by Witness.*

I solemnly and sincerely declare that the signatures to the above petition, opposite to which my name is signed, are the genuine signatures of the persons whose signatures they purport to be.

[*Signature of Witness.*]

Declared before me at                      this                      day of                      , 19                      .

, Justice of the Peace.

THE

*The South-Eastern Drainage Act Amendment Act.—1908.*

## THE THIRD SCHEDULE.

Sec. 52.

“The South-Eastern Drainage Act Amendment Act, 1908.”

*Declaration of Approval of Proposed Drain.*

A petition having been presented for the construction of the drain hereinafter mentioned, I, \_\_\_\_\_, Commissioner of Public Works for the State of South Australia, do hereby declare that—

- (a) I approve of the construction of [*describe drain*]:  
 (b) The lands which will be benefited by the construction of the said drain are [*here set out the lands*]:  
 (c) The estimate of the cost of constructing the said drain is £ \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.  
 \_\_\_\_\_, Commissioner of Public Works.

## THE FOURTH SCHEDULE.

Sec. 57.

“The South-Eastern Drainage Act Amendment Act, 1908.”

*Notice of Apportionment.*

The South-Eastern Drainage Assessment Board has made a preliminary apportionment of the cost of construction of [*describe drain*] amongst the landholders of the lands benefited by such drain

Name of Landholder.	Sections or Block and Hundred.	Amount of Apportionment		
		£	s.	d.
John Smith .....	94, Grey	25	0	0
William Jones .....	110, Grey	50	0	0

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

..... } Members of the South-  
 ..... } Eastern Drainage  
 ..... } Assessment Board.

## THE FIFTH SCHEDULE.

Sec. 58.

“The South-Eastern Drainage Act Amendment Act, 1908.”

*Notice of Objection.*

To the Commissioner of Public Works.

Take notice that I object to the amount of the cost of [*here describe the drain by a name it is known by, or otherwise shortly and sufficient to identify it*] apportioned to me by the preliminary apportionment of the South-Eastern Drainage Assessment Board, on the ground that such amount is too much.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

[*Signature of objector.*]  
 [*Address and occupation.*]

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A.D. 1908.

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No. 963.

An Act to authorise the carrying out of a Certain Scheme of Drainage in the South-East of the State, and for other purposes.

[Assented to, December 23rd, 1908.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The South-Eastern Drainage Short title. Scheme Act, 1908."

2. This Act is incorporated with "The South-Eastern Drainage Incorporation. Act, 1878," "The South-Eastern Drainage Act Amendment Act, 1895," and "The South-Eastern Drainage Amendment Act, 1900," and any Acts for the time being in force incorporated with, amending, or substituted for any of those Acts.

From the time of the coming into operation of "The South-Eastern Drainage Act Amendment Act, 1908," the last-mentioned Act shall be deemed to be substituted for "The South-Eastern Drainage Amendment Act, 1900." Interpretation.

3. In this Act—

"Commissioner" means the Commissioner of Public Works for the time being of the said State, or the Minister of the Crown for the time being discharging the duties of such Commissioner:

"Council "

*The South-Eastern Drainage Scheme Act.—1908.*

“Council” means a District Council whose district or part of whose district is included in the Drainage District:

“Engineer-in-Chief” means the person for the time being holding the office of Engineer-in-Chief or discharging the duties of such office:

“Gazette” means *The South Australian Government Gazette*:

“Land” does not include any land situated within the boundary of any Municipal Corporation or town or township:

“Landholder” means the owner of any freehold estate in land, the holder of land under agreement with the Crown for the sale of such land upon credit, the lessee of land under lease from the Crown; and as to unleased Crown lands, the Commissioner of Crown Lands:

“The District Councils Act” means “The District Councils Act, 1887,” and all Acts amending or substituted for that Act:

“The drainage district” means and includes the land situated within the area defined in the plan in the Third Schedule hereto and enclosed by the green line shown on such plan.

Scheme may be carried out subject to poll.

4. Subject to the provisions hereinafter contained as to a poll, the Commissioner shall call for tenders for the construction of the drains mentioned in the First Schedule hereto (in this Act called “the drains”) out of loan moneys to be provided by Parliament for the purpose, which shall not exceed in the total the sum of Three Hundred Thousand Pounds. Should no tender or tenders be accepted, or should a tender or tenders be accepted and the contractor or contractors fail to begin or to complete the work, or any part thereof, in accordance with the contract or contracts, the Commissioner may, according to the circumstances, construct or complete the drains and construct or complete all such drainage and other works and do all such other things in connection with the drains (in this Act called “the drainage works”) as he thinks proper. The drains and the drainage works are in this Act called “the scheme.”

South-Eastern Drainage Acts to apply to construction, etc.

5. Subject to the provisions of sections 6 to 10 hereof, the provisions of the Acts incorporated herewith shall apply to all matters preliminary to, connected with, incidental to, and consequent upon the construction of the scheme, including the apportionment of the cost thereof, the payment of the proportions of the cost thereof with interest to the Commissioner, the dates for payment of the first and other instalments of such proportions, the computation of the amounts of such instalments, the charge of such proportions upon the land, the enforcement of such charge, the recovery of instalments by the Commissioner, and the proportions of instalments to be paid by lessees to landholders: Provided that the express reference to specified matters in this section shall not be held to limit the meaning of this section, or to diminish its effect in any way.

6. No

*The South-Eastern Drainage Scheme Act.—1908.*

- 6.** No request of landholders shall be necessary before the construction of the scheme or any part thereof. No request of landholders necessary.
- 7.** The positions shown in the plan in the Third Schedule hereto are approximately the contemplated positions of the drains. In constructing the drains such positions may be altered as found to be necessary or expedient, and such alteration shall not affect the validity of anything done under this Act. Positions of drains in plan may be altered.
- 8.** A copy of the said plan, or an enlargement thereof, shall be deposited in the office of the Surveyor-General in Adelaide before the construction of the scheme is commenced. Copy of plan to be deposited.
- 9.** (1) Upon the completion of the construction of the scheme the Engineer-in-Chief shall furnish the Commissioner with a certificate, stating the date of completion, the cost of the construction of the scheme, and what lands will be benefited by the scheme. Engineer-in-Chief's certificate.
- (2) The Commissioner shall, by notice in the *Gazette*, publish such certificate; and such notice shall be conclusive as to the date of completion, the cost of the construction of the scheme, and what lands will be benefited by the scheme, notwithstanding that it differs from any previous estimate of the cost or from anything in or indicated by the said plan.
- 10.** (1) One half of the cost of construction of the scheme shall be deemed to be an advance from the Commissioner to all the landholders of the lands which will be benefited by the scheme; and such advance shall be repaid to the Commissioner by such landholders, with interest thereon at the rate of Four Pounds per centum per annum, in the proportions to be ascertained and apportioned in manner provided by "The South-Eastern Drainage Amendment Act, 1900," and any Act for the time being in force amending or substituted for that Act: Provided that the apportionment shall be of one half and not the whole of the cost of construction. One half of the cost to be paid by landholders.
- (2) A notice of such apportionment published in the *Gazette*, pursuant to "The South-Eastern Drainage Amendment Act, 1900," and any Act for the time being in force amending or substituted for that Act, shall be conclusive evidence of the amount of the proportion to be paid to the Commissioner by each landholder mentioned in such notice, the amount of the yearly instalments to be paid to the Commissioner, the date upon which the first instalment will be due, and the validity of all matters stated in such notice.
- 11.** When the construction of the drains and the drainage works is completed the same shall be and continue under the care, control, and management of the drainage authorities or authority having the care, control, and management of other drains and drainage works in the districts within which the said drains and drainage works respectively are situated; and such authorities or authority shall have, exercise, perform, and enjoy the same rights, powers, functions, obligations, duties, and immunities in respect thereof as in respect
- Scheme to be under care, &c., of drainage authority.

*The South-Eastern Drainage Scheme Act.—1908.*

respect of other drains and drainage works situated within their respective districts or its district, including (but without limiting the effect of this section) powers to make assessments for rates and to levy and recover rates, and the duty to cleanse, repair, and maintain the drains and drainage works.

Other drains not affected by this Act.

**12.** Nothing in this Act contained shall affect any drain or drainage works constructed before the passing of this Act, in course of construction at the time of the passing of this Act, or (except the scheme) hereafter to be constructed within the drainage district, or any matter or thing preliminary to, connected with, incidental to, or consequent upon the construction of such drain or drainage works.

Poll to be taken whether the scheme to be carried out.

Cf. Gawler to Angaston Railway Act 942, 1907, s. 10.

**13.** On a date to be fixed by the Governor by Proclamation published in the *Gazette* the question whether the scheme shall be carried out in pursuance of this Act shall be submitted by each Council to a poll of the landholders of land (other than unleased Crown lands) which is included in the drainage district, and is situated in the district of such Council.

Provision for poll.  
Cf. *ibid.*, s. 11.

**14.** Every poll of landholders under this Act shall be taken by ballot—

13 of 182.

- i. The Council shall appoint a Returning Officer, who shall, *mutatis mutandis*, have all the powers conferred by the District Councils Act, or "The Ballot Act of 1862," on a Returning Officer in case of an election, including the power to appoint deputies, and shall preside at the taking of the poll:
- ii. The Council shall appoint a polling-place for such poll, and where the district is divided into wards shall appoint a polling-place in each ward. The taking of the poll shall commence at eight o'clock in the forenoon, and shall continue open until all the voters present in the polling-booth at seven o'clock in the afternoon shall have had an opportunity of voting, and shall then close:
- iii. Two scrutineers, to be present at the voting at each polling-place, shall be appointed by the Council:
- iv. At every poll the Returning Officer, if it appears to him expedient, may cause booths to be erected, or rooms to be hired and used as booths, at the several polling-places of the district; and the same shall be so divided and allotted into compartments as to the Returning Officer seems most convenient, and the Returning Officer shall, before the day fixed for taking the votes, cause to be furnished for use at each polling-place a list of the landholders entitled to vote at such polling-place, which shall show how many votes each landholder is entitled to according to the scale in the next succeeding subsection, and the land in respect of which each landholder is qualified to vote, and the Returning Officer shall, under his hand, certify such list to be correct:

v. Each

*The South-Eastern Drainage Scheme Act.—1908.*

- v. Each landholder entitled to vote may vote on a scale according to the amount of value at which he is assessed in the assessment-book of the Council, as follows:—Twenty-five Pounds or under, one vote; over Twenty-five Pounds to Thirty-five Pounds, two votes; over Thirty-five Pounds to Forty-five Pounds, three votes; over Forty-five Pounds to Fifty-five Pounds, four votes; over Fifty-five Pounds to Sixty-five Pounds, five votes; over Sixty-five Pounds, six votes. No person shall have more than six votes: Landholders to vote according to scale.
- vi. In case of joint tenancy or tenancy in common, one person only shall vote unless the assessed value of the property exceeds Seventy-five Pounds, and then one other joint tenant, or tenant in common, may vote for each additional Seventy-five Pounds, or for any fractional part of Seventy-five Pounds, of assessed value, on the same scale as is allowed for the first Seventy-five Pounds, or the fractional part thereof, and joint tenants, or tenants in common entitled, may vote in the order in which they tender their votes, until votes have been taken for the whole assessed value, or all the joint tenants, or tenants in common, have voted:
- vii. Except as by this Act otherwise provided, no person shall have more than one vote:
- viii. Every person entitled to vote shall present himself to the Returning Officer, or his Deputy, at the polling-place for the district or for the ward in respect of which such person claims to vote, and state his Christian and surname, abode, profession, or occupation, the nature of his qualification, and the place where the property or qualification is situate. The Returning Officer, or Deputy, shall thereupon place a mark against the voter's name on the list of landholders in use at the polling-place, and hand such voter a voting-paper for every vote to which he is entitled, which voting-paper shall bear the initials of the Returning Officer, or Deputy, and the following sentences:—
- “I approve of the drainage scheme being carried out in pursuance of ‘The South-Eastern Drainage Scheme Act, 1908’:
- “I object to the drainage scheme being carried out in pursuance of ‘The South-Eastern Drainage Scheme Act, 1908’”:
- And shall have a square printed opposite each such sentence, and nothing else shall be inserted in, or placed on, such voting-paper:
- ix. There shall be provided one or more separate apartments or places forming part of the polling-booth, into which the voter shall, on receiving his voting paper or papers, immediately retire, and there alone and in private, without interruption, indicate his vote or votes by making a cross within

*The South-Eastern Drainage Scheme Act.—1908.*

within one of the squares on his voting-paper, or on each of his voting-papers, as the case may be, opposite the sentence which expresses his wish, and shall the fold the paper or papers and immediately deliver it or them so folded to the Returning Officer, or his Deputy, who shall forthwith publicly, and without opening the same, deposit it or them in a box to be provided for that purpose; and no voting-paper so deposited in any box shall on any account be taken therefrom unless in the presence of the scrutineers after the close of the poll. No voting-paper shall be received unless it is so folded as to render it impossible for the Returning Officer, his Deputy, or any other person to see which way the vote is given:

- x. Any voter wilfully infringing any of the provisions of this section, or obstructing the voting by any unnecessary delay in performing any act within the said polling-booth or room, shall be guilty of a misdemeanor:
- xi. Any voter may signify to the Returning Officer, or his Deputy, that, by reason of blindness or defective eyesight, he is unable to vote without assistance, and thereupon such officer or deputy, if satisfied of such inability, shall permit any agent named by such voter to accompany him into the apartment or place for voting to mark the voting-paper on such voter's behalf, and shall receive such paper from such agent and deposit it in the ballot-box:
- xii. The only persons who shall be allowed to remain in the polling-booth or room shall be the persons about to vote, the Returning Officer, the Deputy Returning Officer, and the scrutineers:
- xiii. No inquiry shall be permitted at any poll as to the right of any person to vote, except as follows, that is to say:—The Returning Officer, or his Deputy, may, or if required by any scrutineer shall, put to any person applying for a voting paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other:—
  - (1) Are you the person whose name appears as  
and as the owner (*or holder or lessee*) of  
the property set opposite your name in the list of  
landholders for this district?
  - (2) Have you already voted at the present poll?
  - (3) Are you the landholder within the meaning of  
“The South-Eastern Drainage Scheme Act,  
1908,” of the property in respect of which you  
now claim to vote?

Provided that the Returning-Officer or Deputy may by reference to the list of landholders or otherwise give any information

*The South-Eastern Drainage Scheme Act.—1908.*

information necessary to explain the question or questions so put. No person shall be entitled to vote unless his answer to the first and third questions, or such of them as is put to him, is in the affirmative, and to the second, if put, in the negative; and any person who wilfully makes a false answer to either of such questions shall be guilty of a misdemeanor.

- xiv. Every person who votes a second time, or offers to vote a second time, at any poll, or who personates any other person for the purpose of voting at any such poll, shall be guilty of a misdemeanor.
- xv. Immediately before taking the votes the Returning Officer, or Deputy Returning Officer, shall exhibit the ballot-box empty; and shall, immediately upon the close of the voting, publicly close and seal the box containing the voting-papers which have been taken at the voting-place at which he presided, and each Deputy Returning Officer shall, with as little delay as possible, deliver, or cause his box to be delivered, to the Returning Officer; and any Returning Officer, or Deputy Returning Officer, who unlawfully tampers with any ballot-box or voting-paper shall be guilty of a misdemeanor.
- xvi. At the close of the poll the Returning Officer shall fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the poll, and shall, in the presence of one at least of the scrutineers, and of as many more as choose to be present, open all the boxes containing voting-papers delivered at the taking of the poll, and shall examine such voting-papers, and shall reject all such as contain crosses against both of the above-mentioned sentences, or contain anything other than such matters as are hereinbefore prescribed for such voting-papers: And shall openly declare the general state of the votes at the close of the poll, as the same are made up by him from the voting-papers taken at the several voting-places: And shall declare the result of the poll:
- xvii. All voting-papers shall be preserved by the Returning Officer until three months after the declaration of the result of the poll.

Any person convicted of a misdemeanor under this section shall be liable to be imprisoned for a term not exceeding six months.

15. The result of each poll shall be embodied in a certificate under the hand of the Returning Officer in the form of the Second Schedule to this Act, or in a form to the like effect. The certificates shall be published in the *Gazette*, which shall, after the expiration of three months from the declaration of the result, be conclusive evidence of such result, and of the validity of the poll, and the performance of all conditions precedent thereto.

Certificate of result of poll.

Cf. *ibid.*, s. 12.

16. If

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*The South-Eastern Drainage Scheme Act.—1908.*

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Order for carrying  
out scheme in  
pursuance of this Act.  
Cf. *ibid.*, sec. 14.

**16.** If the aggregate result of such polls is that two-thirds or more of the votes of all the landholders voting approve of the scheme being carried out in pursuance of this Act, the Governor may make an order that the scheme shall be carried out in pursuance of this Act, and the order shall be published in the *Gazette*. The scheme shall not be carried out unless and until such order is so published.

In the name and on behalf of His Majesty, I hereby assent to  
this Bill.

GEORGE R. LE HUNTE, Governor.



*The South-Eastern Drainage Scheme Act.—1908.*

## THE SCHEDULES.

## THE FIRST SCHEDULE.

## LIST OF PROPOSED DRAINS.

1. Extension of Baker's Range Drain to Dismal Swamp.
2. Drain commencing at a point in the hundred of Penola, and running in a north-westerly direction to Baker's Range Drain, in or near Block 7, hundred of Joyce.
3. Drain from Lake Omerod, through the hundreds of Naracoorte and Spence, to Baker's Range Drain, in or near Block 4, hundred of Joyce.
4. Drain commencing at a point in the hundred of Joyce, and running in a north-westerly direction to near the western boundary of the hundred of Minecrow, thence westerly to the sea at a point about five miles north of Kingston, with a branch commencing near the said western boundary of the hundred of Minecrow, and running in a north-easterly direction.
5. Drain commencing at a point in the hundred of Fox, and running in a westerly direction to the sea at or near Boatswain's Point.
6. Drain commencing at Reedy Creek Drain, near Furner, and running in a westerly direction to Lake George, with an outlet from that lake to the sea, near Beachport.

NOTE.—The positions of the proposed drains, as above indicated, are approximately the contemplated positions of such drains, and may be altered as found to be necessary or expedient.

## THE SECOND SCHEDULE.

## THE SOUTH-EASTERN DRAINAGE SCHEME.

I, [name of Returning Officer], certify that a poll taken on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, in the District of [name of District Council District], on the question whether the above-mentioned scheme should be carried out in pursuance of "The South-Eastern Drainage Scheme Act, 1908," resulted as follows:—

Number of votes in approval of the scheme being so carried out \_\_\_\_\_

Number of votes in objection thereto \_\_\_\_\_

Number of informal votes \_\_\_\_\_

Total number of votes \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

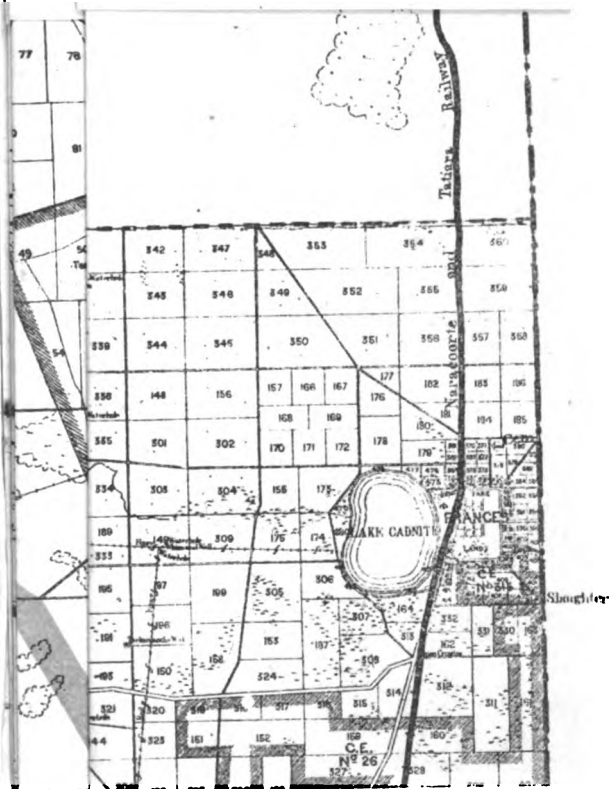
[Signature] \_\_\_\_\_ Returning Officer.

## THE THIRD SCHEDULE.

[PLAN.]

PLAN.









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# EDWARDI VII REGIS.

A.D. 1908.

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## No. 964.

An Act to prevent the Adulteration of Chaff, and to regulate the Sale of Chaff, Hay, and Fruit, and for other purposes.

[*Assented to, December 23rd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Chaff, Hay, and Fruit Act, Short title. 1908."

2. In this Act, unless the context otherwise requires—

*Interpretation.*

"Hay chaff" means the chaffed stalks, leaves, and heads of any one or more of the following cereals and plants, namely:—Wheat, oats, lucerne, and any other cereals and plants, the chaffed stalks, leaves, and heads of which the Governor, by Proclamation in the *Government Gazette*, declares to be hay chaff for the purposes of this Act; but the term does not include the chaff of any cereal or plant from which the natural production of grain or seed has been removed.

"Straw chaff" means any chaff other than hay chaff:

"Inspector" means an Inspector appointed under this Act:

"Minister" means the Minister of Agriculture or the Minister of the Crown for the time being performing the duties of the Minister of Agriculture:

*The Chaff, Hay, and Fruit Act.—1908.*

“Standard case” and “standard half-case” mean respectively the case and half-case of the standard measurements required by this Act:

“This Act” includes regulations made under this Act.

Chaff other than hay  
chaff to be marked  
“straw chaff.”

**3.** No person shall sell or offer or expose for sale any chaff other than hay chaff, unless the bag, sack, or other receptacle containing the same has printed or otherwise inscribed thereon, or affixed thereto, in a conspicuous position, the words “straw chaff” in letters not less than one and a half inches in height.

Foreign ingredients  
in chaff.

Cf. Vict. Chaff Bill,  
1908, cl. 6.

**4.** No person shall sell or offer or expose for sale any chaff, whether hay chaff or straw chaff, to which has been added any foreign ingredient, other than such as is permitted by regulation, or exceeding the proportion or amount so permitted.

Warranty of class of  
chaff.

**5.** Any person selling chaff shall be deemed to have warranted that the same is hay chaff unless it is indicated to be straw chaff in manner prescribed by section 3.

Standard weight of  
bag of chaff.

**6.** The standard weight of a bag or sack of chaff, whether hay chaff or straw chaff, shall, until the thirty-first day of December, one thousand nine hundred and ten, be forty pounds avoirdupois weight excluding the weight of the bag or sack.

Bag of chaff not to  
be under standard  
weight.

**7.** No person shall sell a bag or sack of chaff of less than the standard weight unless the chaff in such bag or sack is weighed by him at the time of sale or delivery, and the price of chaff sold is computed, in proportion to its weight, at the market rate for a bag or sack of the standard weight.

Ton of chaff to be  
2,240lbs.

**8.** When chaff, whether hay chaff or straw chaff, is sold by the ton or any proportionate part of a ton, the word “ton” shall be deemed to mean a ton of two thousand two hundred and forty pounds avoirdupois weight, excluding the weight of the bags or sacks containing the chaff except when bags or sacks are expressly sold with the chaff.

Vendor of hay  
entitled to weigh.

**9.** In any contract for the sale and purchase of hay by weight there shall be an implied condition that the vendor shall be entitled at his own cost to have such hay weighed on a licensed weighbridge, and that the purchaser shall accept such weight as correct.

Standard case of fruit.

**10. (a)** The standard case for the sale of fruit shall be eighteen inches in length inside, eight inches and seven-eighths of an inch in width inside, and fourteen inches in depth inside, and shall have a cubic capacity of two thousand two hundred and thirty-six inches.

Half-case.

**(b)** The standard half-case, save that the depth thereof inside shall be seven inches only, shall be of the same measurements as the standard case, and shall have a cubic capacity of one thousand one hundred and eighteen inches: Provided

*The Chaff, Hay, and Fruit Act.—1908.*

Provided that a case or half-case shall be deemed to comply with the above measurements if the excess or deficiency in the cubic capacity thereof does not exceed in the whole two and one-half per centum of the specified cubic capacity.

**11.** No person shall, after the first day of October, one thousand nine hundred and nine, sell any fruit (other than dried, preserved, tinned, or canned fruit) otherwise than by the standard case or standard half-case: Provided that this section shall not apply to—

Sale only by standard case.

- (a) Fruit sold by weight, measure of capacity, or number :
- (b) Fruit sold in baskets or punnets :
- (c) Fruit sold in trays containing only one layer :
- (d) Any particular fruit or fruits which the Governor, by Proclamation published in the *Government Gazette*, exempts from the provisions of this Act.

**12.** The Governor may, by Proclamation published in the *Government Gazette*, prohibit the introduction into any locality specified in such Proclamation of any box, case, bag, or other receptacle which has already contained fruit.

Prohibition of old cases.

**13.** The Governor may appoint any person or persons to be an Inspector or Inspectors under this Act.

Inspectors.

**14.** (1) Any such Inspector may at any time during the day time enter upon any land or into any warehouse, store, shop, building, or other place where chaff or fruit is or may reasonably be supposed to be bagged, packed, kept, sold, or exposed or offered for sale, and may—

Powers of Inspector

- (a) Weigh any bag or sack of chaff, whether hay chaff or straw chaff there found, and measure any case of fruit or fruit case there found, and if necessary may remove the same to be weighed or measured elsewhere :
- (b) Examine and, on payment of the ordinary market price therefor (if demanded), take for analysis any quantity of any chaff, whether hay chaff or straw chaff, there found ;
- (c) Do any act or thing required or permitted by regulation to be done in connection with or for the purposes of anything authorised by this section or the analysis of chaff taken under this section.

(2) Any person who obstructs or interferes with any inspector in the exercise of his powers under this Act shall be guilty of an offence against this Act.

**15.** (1) Any contravention of this Act, whether by act or omission, shall be an offence against this Act.

Offences and penalties.

(2) Any person guilty of an offence against this Act shall be liable to a penalty for a first offence of not more than Ten Pounds, and

*The Chaff, Hay, and Fruit Act.—1908.*

and for any subsequent offence of not less than Five Pounds nor more than Fifty Pounds.

**Summary proceedings.**

**16.** All proceedings in respect of offences against this Act shall be by information, and shall be heard and determined in a summary way by a Special Magistrate or two Justices of the Peace for the said State, and shall be regulated by the Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," and any other Act for the time being in force relating to summary proceedings.

**Appeals.**

**17.** (1) There shall be an appeal to the Local Court of Adelaide in its Full Jurisdiction from any order or conviction under this Act, or from any order dismissing any information for any offence against this Act.

(2) Such appeal shall be regulated by the said Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," and any Act for the time being in force regulating appeals to Local Courts.

(3) Such Local Court may state a special case for the opinion of the Supreme Court.

**Regulations.**

**18.** (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which may be necessary or convenient to be prescribed for giving effect to this Act.

(2) All such regulations shall—

(a) Be published in the *Government Gazette* ;

(b) Take effect from the date of such publication, or from a later date, to be specified therein ; and

(c) Be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

**Disapproval by Parliament.**

(3) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same is disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulation has been laid before Parliament, if Parliament is so long in Session : Provided that if Parliament is not in Session for thirty days after such regulation has been laid before it, then such regulation shall not continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.





ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 965.

An Act to authorise the Construction of an Additional Railway from Port Adelaide to Glanville and for an Additional Railway from Glanville to Largs, and for other purposes.

*[Assented to, December 23rd, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**1.** This Act may be cited as “The Port Adelaide, Glanville, and Largs Additional Railway Act, 1908.” Short title.

**2.** The Acts mentioned in the Schedule hereto, and all Acts amending the said Acts, or any of them, or substituted for the same, or any of them, shall, so far as the same are severally applicable, be incorporated herewith. Acts incorporated.

**3.** The South Australian Railways Commissioner (hereinafter called “the Commissioner”), in addition to any railways now existing, may construct and maintain— Power to construct railway.

**i.** A railway from a point near the Port Adelaide Railway Station to the Glanville Railway Station; and

**ii.** A railway from the Glanville Railway Station to the Largs Railway Station;

together with all proper works and conveniences connected with the said railways (including a bridge over the Port River) as the said

*The Port Adelaide, Glanville, and Largs Additional Railway Act.—1908.*

said railways and bridge are delineated in the plan deposited in the office of the Surveyor-General at Adelaide, signed "Alex. B. Moncrieff, Engineer-in-Chief," and dated the twenty-fifth day of November, one thousand nine hundred and eight, or as the said railways and bridge are delineated in any plans hereafter so deposited pursuant to any law for the time being in force as to the deposit of such plans: Provided that in case the Houses of Parliament are not sitting at the time when any plans and books of reference are deposited in the office of the Surveyor-General under section 9 of "The Railway Clauses Act, 1876," the Commissioner may make deviations under the said section before causing copies of such plans and books of reference to be laid before Parliament, but such copies shall be laid before both Houses of Parliament upon their next sitting.

Power to duplicate existing Glanville to Largs Railway.

4. Notwithstanding anything contained in the "Largs Bay Railway Act, 1882," or this Act, the Commissioner may, if he deems it expedient, construct the railway from Glanville Station to Largs Station authorised by this Act by laying down a second line of railway alongside the railway constructed pursuant to the "Largs Bay Railway Act, 1882," so that the same may be maintained and worked in connection with the railway and works and conveniences connected therewith constructed under the last mentioned Act.

Power to discontinue existing Glanville to Largs Railway and to remove the same.

5. If the Commissioner constructs the railway from Glanville Station to Largs Station hereby authorised in a position or manner other than the position or manner allowed by section 4 hereof, then it shall be lawful for the Commissioner to discontinue the working of the existing Glanville to Largs Bay Railway, or any part or parts thereof, and to take up and remove the same, and use the materials so taken up and removed as he deems expedient, or sell and dispose of such materials or any part thereof.

Gauge of railway.

6. The gauge of the railways by this Act authorised to be constructed shall be five feet three inches.

Fares, tolls, and charges.

7. The Commissioner may demand for the use of the railways by this Act authorised to be constructed, and for the carriage of goods and passengers thereon and the loading and unloading of goods, such tolls, charges, and rates as are from time to time fixed in manner prescribed by any Act or Acts under which the Commissioner may fix such tolls, charges, and rates in respect of the railways under his control.

No rights to damages or compensation.

8. No person shall have any right whatever to damages or compensation for or on account of any interference with any public or other right of navigation occasioned by the construction or maintenance of the bridge mentioned in section 3, or by the existence

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*The Port Adelaide, Glanville, and Largs Additional Railway  
Act.—1908.*

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existence of such bridge ; and the power hereby conferred upon the Commissioner to construct and maintain such bridge shall be paramount to any such right of navigation.

In the name and on behalf of His Majesty, I hereby assent to  
this Bill.

GEORGE R. LE HUNTE, Governor.

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*The Port Adelaide, Glanville, and Largs Additional Railway  
Act.—1908.*

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Sec. 2.

THE SCHEDULE.

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“The Lands Clauses Consolidation Act.”

Act No. 26 of 1855-6, being an Act to amend “The Lands Clauses Consolidation Act.”

“The Lands Clauses Consolidation Amendment Act, 1881.”

“The Railways Clauses Consolidation Act.”

Act No. 6 of 1858, being an Act to amend “The Railways Clauses Consolidation Act.”

“The Railways Clauses Act, 1876.”

“The South Australian Railways Commissioners Act, 1887.”

“The South Australian Railways Commissioners Act Amendment Act, 1894.”

“The South Australian Railways Commissioners Further Amendment Act, 1906.”



ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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No. 966.

An Act to authorise the Railways Commissioner to take possession of certain portions of the Adelaide Gaol Reserve, the Adelaide Park Lands, and the Sewers Yard adjoining the Adelaide and Nairne Railway, and to construct a Railway and Railway Works thereon, and for other purposes.

*[Assented to, December 23rd, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**1.** This Act may be cited as "The Adelaide Loop-Line Railway Act, 1908." Short title.

**2.** The Acts mentioned in the First Schedule hereto, and all Acts amending the said Acts, or any of them, or substituted for the same, or any of them, shall, so far as the same are severally applicable, be incorporated herewith: Acts incorporated. Provided that no compensation shall be payable in respect of the portions of land mentioned in sections 3 and 9, or any of them.

**3.** The South Australian Railways Commissioner (in this Act called "The Commissioner") may take and retain possession of— Commissioner may take certain lands.

1. All those two pieces of land, being portions of the Adelaide Gaol Reserve, described in Parts I. and II. of the Second Schedule hereto, and delineated in the plan referred to in section 4, and therein numbered 1 and 2 respectively; and
11. All

*The Adelaide Loop-Line Railway Act.—1908.*

- II. All that piece of land, being portion of the Adelaide Park Lands, described in Part III. of the Second Schedule hereto, and delineated in the said plan, and therein numbered 3; and
- III. All that piece of land, formerly portion of the Adelaide Park Lands but now in the possession of the Commissioner of Public Works, described in Part IV. of the Second Schedule hereto, and delineated in the said plan and therein numbered 4.

Power to construct railway.

4. The Commissioner, in addition to any railways and railway works now existing, may construct and maintain a railway (hereafter in this Act called "the said railway") from a point on the Adelaide City and Port Railway to a point or points on the Adelaide to Nairne Railway, together with all proper works and conveniences connected with the said railway, as the said railway is delineated in the plan deposited in the office of the Surveyor-General, at Adelaide, signed "Alex. B. Moncrieff, Engineer-in-Chief," and dated the eighth day of December, one thousand nine hundred and eight, or as the said railway is delineated in any plans hereafter so deposited pursuant to any law for the time being in force as to the deposit of such plans:

Provided that in case the Houses of Parliament are not sitting at the time when any plans and books of reference are deposited in the office of the Surveyor-General under section 9 of "The Railways Clauses Act, 1876," the Commissioner may make deviations under the said section before causing copies of such plans and books of reference to be laid before Parliament, but such copies shall be laid before both Houses of Parliament upon their next sitting.

Gauge of railway.

5. The gauge of the said railway shall be five feet three inches.

Fares, tolls, and charges.

6. The Commissioner may demand for the use of the said railway, and for the carriage of goods and passengers thereon and the loading and unloading of goods, such tolls, charges, and rates as are from time to time fixed in manner prescribed by any Act or Acts under which the Commissioner may fix such tolls, charges, and rates in respect of the railways under his control.

Commissioner's powers over lands described.

7. Without derogating from any power by this Act or any other Act or otherwise conferred upon the Commissioner, it is hereby declared that the Commissioner may—

- 1. Construct and maintain portions of the said railway on the pieces of lands described in Parts II., III., and IV. of the Second Schedule hereto;
- II. Use all or any of the pieces of land described in the said Second Schedule for any purposes he deems expedient in connection with the said railway and any other railway or railways under his control; and
- III. Construct

*The Adelaide Loop-Line Railway Act.—1908.*

- iii. Construct on all or any of the last-mentioned pieces of land all such works and conveniences as he deems expedient for the purposes of the said railway and any other railway or railways under his control; and
- iv. Use the said last-mentioned pieces of land or any of them as he deems expedient for the more convenient exercise of any powers vested in him.

**8.** For the purpose of constructing the said railway the Commissioner may demolish and remove the bridge over the Adelaide to Nairne Railway which carries the road running from the Port Road to the Adelaide Gaol: Provided that he has first constructed a new road connecting with the northern portion of the Gaol Road from a point on the Port Road to the north-west of the point where the Port Road crosses the Adelaide to Nairne Railway.

Commissioner may remove bridge on Gaol Road on making new road.

**9.** (1) The Commissioner may enter upon the piece of land, being portion of the Adelaide Park Lands described in the Third Schedule hereto, and delineated in the said plan, and therein numbered 5, and may construct the said new road thereon, and may do all things necessary for the purpose of constructing the same.

Power to make new road on park lands.

(2) When constructed the said new road may be used for all purposes for which the Gaol Road, running from the Port Road to the Adelaide Gaol, is used at the time of the passing of this Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

*The Adelaide Loop-Line Railway Act.—1908.*

## SCHEDULES.

## THE FIRST SCHEDULE.

Ordinance No. 6 of 1847.—“The Lands Clauses Consolidation Act.”

Act No. 26 of 1855-6, being an Act to amend “The Lands Clauses Consolidation Act.”

Act No. 202 of 1881.—“The Lands Clauses Consolidation Amendment Act, 1881.”

Ordinance No. 7 of 1847.—“The Railways Clauses Consolidation Act.”

Act No. 6 of 1858, being an Act to amend “The Railways Clauses Consolidation Act.”

Act No. 32 of 1876.—“The Railways Clauses Act, 1876.”

Act 414 of 1887.—“The South Australian Railways Commissioners Act, 1887.”

Act 512 of 1891.—“The South Australian Railways Commissioners Act Amendment Act, 1891.”

Act 612 of 1894.—“The South Australian Railways Commissioners Act Amendment Act, 1894.”

Act 912 of 1906.—“The South Australian Railways Commissioners Further Amendment Act, 1906.”

## THE SECOND SCHEDULE.

## PART I.

All that piece of land, being portion of the Adelaide Gaol Reserve, bounded by a line commencing at a point on the south boundary of the eastern portion of the Adelaide Gaol Reserve, 100 links from its western boundary; thence along the said south boundary to its intersection with the eastern boundary of the Adelaide City and Port Railway; thence north-westerly, following the said eastern boundary for 835 links; thence south-easterly to the point of commencement.

## PART II.

All that piece of land, being portion of the Adelaide Gaol Reserve bounded by a line commencing at a point at the intersection of the western boundary of the Adelaide City and Port Railway Reserve and the eastern wall of the Adelaide Gaol; thence southerly along the said boundary for 200 links; thence south-westerly by a line 1,050 links radius curving westerly to a point in the south-western boundary of the Adelaide Gaol Reserve 90 links from its intersection with the north boundary of the Adelaide to Nairne Railway Reserve; thence north-west along the said boundary of the said gaol reserve for 106 links; thence north-easterly by a line of 950 links radius parallel to and 100 links distant from the previously defined line of 1,050 links radius to the south wall of the Adelaide Gaol; thence following the said wall in easterly and northerly directions to the point of commencement.

## PART III.

All that piece of land, being portion of the Adelaide Park Lands, bounded by a line commencing at a point in the south-western boundary of the Adelaide Gaol Reserve, 90 links north-westerly from the intersection of the said boundary with the north boundary of the Adelaide to Nairne Railway Reserve; thence south-westerly by a line 1,050 links radius, curving westerly to the said railway boundary; thence westerly along the said railway boundary to its intersection with the north side of the Port Road; thence north-westerly along the said side of the said road for 58 links;



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*The Adelaide Loop-Line Railway Act.—1908.*

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links; thence easterly by a line parallel to and 50 links distant from the said railway boundary for 1,150 links; thence north-easterly by a line 950 links radius, curving northerly to the south-westerly boundary of the said gaol reserve; thence south-easterly along the said boundary for 106 links to the point of commencement.

PART IV.

All that piece of land, being portion of the Sewers Yard adjoining the Adelaide to Nairne Railway, bounded by a line commencing on the south side of the Port Road 58 links west of its intersection with the north-western boundary of the Adelaide to Nairne Railway Reserve; thence south-easterly along the said side of the Port Road to its intersection with the said boundary of the said railway reserve; thence south-westerly and southerly along the said boundary of the said railway reserve to its intersection with the south boundary of the Sewers Yard; thence north-westerly along said boundary for 35 links; thence northerly by a line 2,525 links radius curving easterly to the point of commencement.

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THE THIRD SCHEDULE.

All that piece of land, being portion of the Adelaide Park Lands and being a strip of land 60 links wide, the centre line of which commences on the north side of the Port Road, 250 links from the north boundary of the Adelaide and Nairne Railway Reserve; thence in a north-easterly direction curving easterly and northerly to the south-western boundary of the Gaol Reserve at a point 450 links south-east of its western corner.





ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 967.

An Act to declare the Main Roads Schedules.

[*Assented to, December 23rd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Roads Amendment Act, 1908." Short title.
2. This Act, so far as consistent with the tenor thereof, shall be Incorporation. incorporated and read with the "Roads Act, 1884," as one Act.
3. "The Roads Amendment Act, 1902," is hereby repealed. Repeal.
4. (1) The lines of road mentioned in Schedule A hereto, as the Main lines of road declared. same are particularly set forth in Schedule B hereto, together with all bridges and other public works connected therewith, are hereby declared to be main roads of the said State for the purposes of all Acts relating to or affecting the main roads of the said State.  
(2) Schedule A is to be regarded as referring to the said main roads in general terms only, and Schedule B as particularly describing and defining the said main roads.
5. All plans required to be deposited in the office of the Surveyor-General under sections 88 and 103 of the "Roads Act, 1884," for opening, closing, or altering roads shall bear the certificate of a licensed surveyor, and if in a District Council District shall be under the seal of the District Council, and be signed by the chairman of the Council and the district clerk, or by two councillors of the Council and the district clerk. Amendments of sections 88 and 103 of Roads Act, 1884.

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*The Roads Amendment Act.—1908.*

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Not to repeal District  
Councils Act, 1887,  
&c.

**6.** Subject as herein expressly provided, this Act shall in no way repeal or render less operative any of the provisions of "The District Councils Act, 1887," or "The Municipal Corporations Act, 1890," or any other Act, so far as the said Acts, or any of them, relate to the main roads of the said State.

In the name and on behalf of His Majesty, I hereby assent to  
this Bill.

GEORGE R. LE HUNTE, Governor.

*The Roads Amendment Act.—1908.*

## SCHEDULES.

## SCHEDULE A.

## MAIN ROADS.

1. From Thebarton Bridge, *via* the Grand Junction, Smithfield, Gawler, Sheaoak Log, Daveyston, and Greenock, to Kapunda Railway Station.
2. From junction of Mann Terrace, near the Walkerville Road, *via* Teatree Gully, Gumeracha, and Stony Creek, to the River Murray, at Mannum.
3. From O'Connell Street, North Adelaide, by the Windmill Corner and Gepp's Cross, and north-easterly to the junction of the North Road, at Dry Creek.
4. From junction of North and East Terraces, Adelaide, *via* MacDonnell Bridge and Houghton Hollow, to join the North-Eastern Road near the 14th milepost near Inglewood.
5. From Teatree Gully and Port Adelaide Road, at Gepp's Cross, to the Upper North Road, at the Cavan Arms.
6. From the North-Eastern Road, at Teatree Gully, *via* the Lower North-Eastern Road and Hope Valley, westward to join the Main North Road at the Grand Junction.
7. From the post office, Prospect, to junction with the North-Eastern Road, opposite the north-eastern corner of section 460, hundred of Yatala.
8. From the North Road, at Reephram, to Dry Creek Road, at Enfield Park.
9. From Hackney Corner, North Terrace, North-Eastern Road, south branch, to join the Main North-Eastern Road at junction of Mann Terrace and Walkerville Road.
10. From the Cavan Arms, *via* the Cross Keys, Waterloo Corner, Virginia Bridge, and Two Wells, to Port Wakefield Railway Station.
11. From main road at the Maid and Magpie, *via* Magill, Lobethal, and Mount Torrens, to the North-Eastern Road, at South Petherton.
12. From Mount Torrens to Blumberg.
13. From the Glynde to the quarries at Fifth Creek.
14. From the junction of South and East Terraces, Adelaide, *via* the Green Hill to join the Woodside branch, at Balhannah.
15. From Mount Lofty to the Greenhill Road.
16. From the Norton's Summit Road to Montacute, *via* Marble Hill.
17. From the Greenhill Road to Norton's Summit Road.
18. From South Terrace, Adelaide, *via* Glen Osmond and Crafers, to Echunga.
19. From the South-Eastern Road, at the new Lunatic Asylum grounds, near the north-west corner of section 265, hundred of Adelaide, along Dequetteville Terrace, Kent Town, to the Payneham Road.
20. From South Terrace, Adelaide, *via* Unley, the foot of Shepley's Hill (section 1035, hundred of Noarlunga), Coromandel Valley, Clarendon, Meadows, Bull's Creek, and Currency Creek, to River Murray, at Goolwa.
21. From the Black Forest Inn, on the South Road, to the Port Adelaide and Tapley's Hill Road, at Glenelg.
22. From section 200, hundred of Noarlunga, *via* the Brighton Road and Scarborough Street, to the main road, at Pier Street, Glenelg.
23. From the junction of South and West Terraces, Adelaide, *via* the Black Forest Inn, Mudge's Corner (section 39, hundred of Noarlunga), Noarlunga, Aldinga, Grant's Corner (section 704, hundred of Myponga), and Yankalilla, to the seacoast at Cape Jervis.
24. From West Terrace, Adelaide, to Henley Beach.

25. From

*The Roads Amendment Act.—1908.*

25. From Henley Beach Road, for one mile (over Fulham Bridge).
26. From the Port Road, at Hindmarsh, to the Kirkcaldy beach.
27. From King William Street, along North Terrace, Adelaide, to the Port River.
28. From Port Adelaide Railway Station to Government Produce Depot.
29. From Port Adelaide Road to Henley Beach Road, along East Terrace, Thebarton.
30. From the western end of Jervois Bridge to the seacoast, at Semaphore.
31. From the Grand Junction (near the western corner of section 97), on the North Road, to the north-east angle of Alberton, and thence to the Causeway on the Port Road.
32. From the Black Forest Inn, across Taylor's Bridge, to join the Port Adelaide Road.
33. From Kensington, at north-east corner of section 275, hundred of Adelaide, to Cross Roads, at Glen Osmond.
34. From the South Road, at the foot of Tapley's Hill, to the Adelaide and Glenelg Road at Glenelg.
35. From the Bull's Creek Road, north of Clarendon, to junction with the South Road, at O'Halloran Hill.
36. From the South Road, near Noarlunga, to Willunga, Hindmarsh Valley, and *via* section 22, hundred of Goolwa, to Port Victor Jetty.
37. From the Willunga branch, at the town of Willunga, to Port Willunga Jetty.
38. From the South Road, at Yankalilla, to Port Victor Jetty.
39. From the Yankalilla and Port Victor Main Road, at Cockatoo Flat, to the south-west corner of section 1603 on the Dairy Flat Road, hundred of Yankalilla.
40. From the South Road, at Bryant's Corner (east corner of section 1014, hundred of Yankalilla), to the Yankalilla Jetty.
41. From the South Road, at Second Valley town, to the jetty, at Second Valley.
42. From South-Eastern Road, at Stirling, to the Mount Lofty Railway Station.
43. From the South-Eastern Road, at Echunga, to join the Mount Barker branch at Mount Barker.
44. From Echunga to Hahndorf.
45. From main road at Meadows to main road at Echunga.
46. From Aldgate Railway Station, on the South-Eastern Road, *via* Hahndorf, Littlehampton, Blakiston, Nairne, Kanmantoo, Callington, and the new bridge to Watts'.
47. From the Nairne branch, at Nairne, to the Woodside branch, at Woodside.
48. From near the 15th milepost, on the Nairne branch, *via* Balhannah, Oakbank, and Woodside, to join the Eastern Road at or near South Petherton.
49. From Millbrook, *via* Lobethal, to join the Woodside branch near Charleston.
50. From main road, near Forest Range, to Greenhill Road, near Carey's Gully.
51. From Ambleside Railway Station to main road at Hahndorf.
52. From main road at Balhannah to Balhannah Railway Station.
53. From a point near the 20th milepost, on the Nairne branch, *via* Mount Barker, Bugle Ranges, and Red Creek (section 1266, hundred of Strathalbyn), to Hartley, with a branch through Gawler Street, in Mount Barker, to the Mount Barker Railway Station.
54. From near the 29th milepost, on the Mount Barker branch, to join the South-Eastern Road, at Langhorne's Bridge.
55. From post office, Strathalbyn, *via* Langhorne's Bridge and Wellington, to the River Murray.
56. From Strathalbyn to join the Nairne branch, at Callington.
57. From the Bull's Creek Road, at the Meadows, *via* Macclesfield, to the Bugle Ranges Railway Station.
58. From the Bull's Creek Road, at section 3450, hundred of Kuitpo, to the Willunga branch, at the top of Willunga Hill.
59. From Bull's Creek Main Road, at or near Ashbourne, to Strathalbyn Railway Station.
60. From the North-Eastern Road, near Modbury, *via* Golden Grove and Snake Gully, to join the Smithfield branch, at Sampson's Flat.
61. From main road at Williamstown, *via* Maidstone, to join the North-Eastern Road near Chain of Ponds.
62. From the North-Eastern Road, at Mannum, *via* block 6, hundred of Ridley, to the punt at Walker's Flat.
63. From

*The Roads Amendment Act.—1908.*

63. From the North-Eastern Road, at Stony Creek, *via* Mount Pleasant, to Eden Valley.
64. From Pine Hut Creek to south boundary, hundred of North Rhine.
65. From main road, at Mount Pleasant, *via* Cook's Hill (near section 655, hundred of South Rhine), to the Murray Flats, and thence northwards along the foot of the ranges *via* Rhine Villa to Sedan.
66. From the main road, at Rhine Villa, to the punt at Walker's Flat.
67. From the Mount Pleasant and Rhine Villa Main Road, at section 283, to Mannum.
68. From Chucka Bend to the south-east corner of the hundred of Bowhill.
69. From Bolt's Landing, River Murray, to section 66, hundred of Forster.
70. From Caurnamont to Purnong Punt.
71. From near Nuriootpa, on the north-eastern branch of the North Road, through Angaston, to North Rhine River, at section 540, hundred of North Rhine, and thence *via* Sedan to River Murray at Swan Reach.
72. From Smithfield Railway Station to Sampson's Flat.
73. From the North Road, near Gawler, *via* Templers, Light Bridge, and Forresters, to join main road at Auburn.
74. From main road near Templers to Wasleys Railway Station.
75. From Ford's Railway Station to junction with the North Road.
76. From Freeling Railway Station to the old North Road, between sections 183 and 184, towards Linwood.
77. From Freeling Railway Station, through Greenock and Truro, to cross roads at section 134, hundred of Anna.
78. From Truro Main Road to town of Dutton.
79. From main road, near Williamstown, towards Mount Pleasant to Bonney's Flat.
80. From Bonney's Flat to Blumberg.
81. From Monarto Railway Station, *via* Summerfield, to Palmer.
82. From Murray Bridge Railway Station, *via* Bridge Street to railway crossing at section 76; thence between sections 124 and 135 to boundary of hundred of Mobilong, and to the main road at Mannum.
83. From Blanchetown to section 74, hundred of Skurray.
84. From Swan Reach easterly to the north-east corner of the hundred of Mantung.
85. From south-west boundary of Renmark Irrigation District to west boundary of same district, *via* Renmark and Ral Ral Avenues.
86. From main road at Eden Valley, *via* Flaxman's Valley, to join the Angaston branch, near Angaston.
87. From Sandy Creek through Lyndoch to Tanunda, to join the main road to Blanchetown near Nuriootpa. (The road from Sandy Creek to Lyndoch to be regarded as off the schedule one year after completion of Angaston railway).
88. From Lyndoch Railway Station to Gawler and Williamstown Main Road.
89. From Gawler Railway Station, across South Para Bridge, *via* Sandy Creek and Williamstown to Mount Crawford.
90. From Kapunda Railway Station, *via* Ebenezer, to Stockwell.
91. From Kapunda Railway Station, through Steelton and Waterloo, to north boundary of hundred of Saddleworth.
92. From Kapunda Railway Station to Tarlee Railway Station.
93. From Stockport Railway Station to the junction of the Greenock and Kapunda Roads.
94. From the Greenock-Kapunda Main Road, along corporation boundary of Kapunda, to south-west corner of town.
95. From Eudunda Railway Station, *via* Government Well, southwards to south boundary of hundred of Neales.
96. From Eudunda to section 456, hundred of Julia Creek.
97. From main road at Eudunda, *via* Point Pass and Robertstown, to Burra Railway Station.
98. From Eudunda-Burra Road, at section 295, to north boundary hundred of Neales.
99. From Mount Mary Railway Station (Krichauff) to south boundary hundred of Schomburgk.
100. From Krichauff to five miles southwards.

101. From

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101. From south boundary hundred of Lindley to the River Murray at Morgan.
102. From Morgan across Burra Creek, to section G, hundred of Stuart.
103. From Kooringa, *via* Nankivell's Gully, to join main road at Diprose Creek.
104. From main road at Breakneck Hill, near section 224, hundred of Kooringa, to McNeill's Creek, being part of Baldina Main Road nearest Kooringa.
105. From Burra Railway Station, *via* section 295, hundred of Kooringa, to Leighton.
106. From Burra corporation boundary to near Shafton Hill.
107. From Mount Bryan Railway Station, *via* Mount Bryan East, to cross roads near Piltimitiappa.
108. From railway station, Salisbury, to Waterloo Corner.
109. From Murray Street, Gawler, to main road at the Redbanks, *via* Reeves Plains, with branch to the Experimental Farm.
110. From Willaston, along Gawler River, to section 37, hundred of Mudla Wirra.
111. From Roseworthy Railway Station to allotment 55, Roseworthy.
112. From Wasleys Railway Station to Mallala.
113. From the Adelaide and Port Wakefield Road, at Two Wells, to southern boundary hundred of Dalkey.
114. From the Port Wakefield Main Road westward to Lorne.
115. From the Port Wakefield Main Road to east boundary hundred of Inkerman.
116. From the cross roads at section 320, hundred of Dalkey, to Balaklava Railway Station; thence *via* Whitwarta and Mount Templeton, to the south boundary of the hundred of Everard.
117. From Port Wakefield, *via* Lochiel and Snowtown, to join main road at Redhill.
118. From the main road at Hœpner for three miles west on the Barabba Road.
119. From Pinery to Hamley Bridge Railway Station, *via* Owen and section 98, hundred of Alma.
120. From Tarlee-Rhynie Main Road to section 61, hundred of Alma.
121. From Hamley Bridge Railway Station across the River Light south to cross roads at section 330, hundred of Mudla Wirra.
122. From main road at section 1600, hundred of Gilbert, near Marrabel, *via* Riverton Railway Station, to join the old North Road at Rhynie.
123. From the Black Springs and Burra Main Road to section 420N, hundred of Apoinga.
124. From main road, near Marrabel, to Saddleworth Railway Station.
125. From Saddleworth Railway Station to Tothill's Belt.
126. From Saddleworth Railway Station, *via* Auburn, to Clare.
127. From main road at Auburn, *via* Hurd's Hill, to Halbury Railway Station.
128. From main road at Auburn to Manoora Railway Station.
129. From main road at Waterloo to Manoora Railway Station.
130. From Manoora Railway Station, *via* Black Springs, to Burra Railway Station.
131. From Mintaro Railway Station, *via* Mintaro, to main road near Sevenhills.
132. From Leasingham to Hoyleton Railway Station.
133. From main road near Clare to Blyth Railway Station.
134. From main road at Clare, *via* Magpie Creek, Rochester, and section 400, and between sections 391 and 386, hundred of Hart, to Brinkworth; thence *via* section 434, hundred of Hart, and Redhill to Crystal Brook Railway Station.
135. From Farrell's Flat Railway Station to junction with main road to Clare.
136. From Farrell's Flat Railway Station, *via* Leighton, to Boorborowie.
137. From cross roads, at section 374, hundred of Anne, *via* Tommy's Gap, to Hallett Railway Station.
138. From Yarcowie Railway Station, *via* Jamestown and Caltowie, to join main road near the Stone Hut.
139. From Yarcowie Railway Station to western boundary of hundred of Wonna, *via* blocks D and E, in the hundred of Terowie.
140. From Terowie Railway Station to the north-east corner of section 326, hundred of Terowie.
141. From eastern boundary of section B, hundred of Terowie, *via* Terowie Railway Station, to western boundary of sections 155 and 123, hundred of Terowie.
142. From Petersburg Railway Station, *via* Dawson, to Oodla Wirra Railway Station.
143. From



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143. From Petersburg and Oodla Wirra Main Road to the hundred of Cavenagh.
144. From Petersburg Railway Station to Yatina.
145. From Petersburg-Yatina Road to section 45N, hundred of Morgan.
146. From Nackara Railway Station to section 99, hundred of Nackara.
147. From north-east corner of section 57, hundred of Parnaroo, to Ucolta Railway Station.
148. From the western boundary of the hundred of Mannanarie to Yongala, *via* Mannanarie and the south boundary of section 201.
149. From Yongala Town to Yongala Estate.
150. From Caltowie Railway Station, *via* Tarcowie, to join main road from Wilmington, near Orroroo.
151. From Jamestown Railway Station to Mannanarie, east of sections 35 and 36, hundred of Mannanarie.
152. From Belalie North Railway Station to Yongala Head Station (section 471.)
153. From Crystal Brook Railway Station for ten miles through Hughes' Gap towards Beetaloo.
154. From main road at Gulnare South Railway Station to join main road at Crystal Brook.
155. From Narridy to Georgetown.
156. From main road at Spalding to Gulnare South Railway Station.
157. From Jamestown, at section 104, through Spalding, to section 345, hundred of Andrews.
158. From Mundoora Railway Station, *via* Collinsfield, to join main road at Koolunga.
159. From Port Pirie Railway Station to Port Broughton Railway Station.
160. From Nelshaby towards Port Pirie, to join the Port Pirie and Port Germein Main Road.
161. From Port Pirie to Port Germein.
162. From Port Pirie-Port Germein Road to section 834, hundred of Pirie.
163. From Port Germein Jetty, *via* Booleroo Centre and White Cliffs, to junction of Caltowie and Orroroo Main Road.
164. From Booleroo Centre to Willowie.
165. From Laura Railway Station, *via* Appila-Yarrowie, to main road near Tarcowie.
166. From section 172, hundred of Yangya (town of Gladstone), to section 39, hundred of Yangya.
167. From Wirrabara Railway Station, *via* Melrose and Wilmington, to Port Augusta Wharf (the road from Laura to Wirrabara to be regarded as off the Schedule one year after completion of Booleroo Railway).
168. From Wilmington and Port Augusta Main Road to the hospital (section 92), town of Davenport.
169. From main road at Stirling North to railway line.
170. From main road near Port Germein, *via* Limestone Well, towards Port Augusta, to join the Horrocks Pass and Port Augusta Main Road.
171. From Black Rock Siding easterly to the western boundary of the hundred of Morgan.
172. From Black Rock Railway Station westerly for a distance of seven miles towards Pekina.
173. From Orroroo Railway Station to Johnburgh Post Office.
174. From Orroroo Railway Station to Dawlish.
175. From Orroroo-Dawlish Road to section 90, hundred of Erskine.
176. From Orroroo, *via* Morchard and Willowie, to Wilmington.
177. From Eurlia Railway Station towards Morchard to cross roads at section 99, hundred of Coomooroo.
178. From main road at Carrieton, *via* Pat's Hole, to north-eastern boundary of hundred of McCulloch.
179. From main road near Carrieton Railway Station, *via* the junction of the three-chain road, to Cradock.
180. From Johnburgh, *via* Carrieton, to Carrieton Railway Station.
181. From Hammond towards Wilmington, to join the Wilmington and Bruce Main Road.
182. From main road at Willowie to Hammond Railway Station.

183. From

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183. From Bruce Railway Station, *via* section 120, to Wilmington.
184. From the south-east boundary of Quorn to south-west corner of section 73, hundred of Kanyaka.
185. From Port Augusta Railway Station, *via* Western Plains, to south boundary of the hundred of Crozier.
186. From Port Augusta West Jetty to the north boundary of the town.
187. From main road, near Port Augusta West, to the west boundary of the town.
188. From Wilson Railway Station through Cradock to section 19, hundred of Yednalue.
189. From Hawker Railway Station, *via* Phillips' Gap, to east boundary of hundred of Arkaba, at section 94E.
190. From Hawker Railway Station, *via* south corner of section 129, hundred of Arkaba, to north-east boundary of the hundred of Arkaba, Parallana Road.
191. From Hawker and Parallana Main Road, at section 129, hundred of Arkaba, to north boundary, hundred of Arkaba, at section 172.
192. From Hookina Town to Hawker Railway Station, *via* Yappala Waters.
193. From Hookina Town to Hookina Railway Station.
194. From railway station, Mundoorra, *via* Barunga Reservoir, to Barunga Gap Railway Station.
195. From main road near Port Broughton, through Bute and Ninnes, to south boundary of Ninnes.
196. From Wallaroo Railway Station, *via* Alford, to Port Broughton Railway Station.
197. From Kadina Railway Station, *via* Moonta to Maitland.
198. From Digby Street, Kadina, to Wallaroo Jetty.
199. From Kadina Railway Station to the eastern boundary of the hundred of Kadina.
200. From Kadina Railway Station to join main road *via* Peela Weela, near Alford.
201. From Kadina Railway Station to railway crossing opposite Digby Street.
202. From Kainton, *via* Kalkabury, to main road near Maitland.
203. From Kainton to Paskeville Railway Station.
204. From Paskeville Railway Station, *via* section 78, north-easterly to section 91.
205. From Moonta Railway Station, *via* Kalkabury, to Ardrossan Jetty.
206. From Moonta Railway Station to Moonta Bay Jetty.
207. From north-eastern corner of section 84, Cunliffe, to East Moonta.
208. From Port Clinton Jetty towards Kainton to cross roads at section 432, hundred of Clinton.
209. From Wills Creek Jetty to south-eastern corner of section 451, hundred of Clinton, then to the north-west corner of section 480.
210. From main road at Port Victoria, *via* Maitland, to Ardrossan Jetty.
211. From sections 55E and 70, hundred of Wauraltee (Urania), to join main road at Port Victoria.
212. From Port Victoria Jetty to junction with the Peninsula Road, west of Mount Rat.
213. From Curramulka to the seacoast at Port Vincent.
214. From Port Rickaby Jetty to Minlaton-Maitland Main Road.
215. From southern boundary of hundred of Wauraltee, *via* Minlaton and Yorketown, to Edithburgh Jetty.
216. From Edithburgh-Yorketown Main Road to Lake Fowler, at section 174, hundred of Melville.
217. From Curramulka to join the Peninsula Main Road at Minlaton.
218. From the Peninsula Road, at Minlaton, to Stansbury.
219. From Stansbury New Jetty, *via* Weaver's Lagoon, towards Brentwood, to join the Peninsula Main Road at cross roads at section 317, hundred of Dalrymple.
220. From main road Yorketown, *via* Weaver's Flat, to Stansbury and Peninsula Main Road.
221. From the north-east corner of section 35, hundred of Minlacowie, to Port Minlacowie.

222. From

*The Roads Amendment Act.—1908.*

222. From the Peninsula Road, at Yorketown, *via* sections 85 and 86, hundred of Melville, to join Point Turton Main Road at section 7, hundred of Para Wurlie.
223. From section 28, hundred of Para Wurlie, south and east of section 75, to the seacoast near Point Turton.
224. From Diamond Lake and section 239, hundred of Melville, to junction with the Peninsula Main Road, at the Edithburgh park lands.
225. From Port Lincoln Railway Jetty, *via* Hallett Place, to Waratta.
226. From Franklin Harbor (Cowell) to west boundary of hundred of Yadnarie.
227. From landing place, Louth Bay, *via* sections 282, 210, and 211; and thence in a northerly direction, following Tod River, to within three miles of Kapinka Station (north-west corner of section 218, hundred of Koppio).
228. From Tumby Bay Jetty, *via* Spencer Street and South Terrace, to join Port Lincoln Main Road at section 44, hundred of Hutchison.
229. From main road, at section 84, hundred of Hutchison, to Tumby Bay Jetty, *via* Tumby Terrace.
230. From Dutton Bay Landing-place to east boundary, hundred of Moody.
231. From Port Lincoln Main Road, west of Tumby Bay, through Yallunda Flat, to section 79, hundred of Koppio.
232. From Lipson's Cove Jetty to Port Lincoln Main Road.
233. From south-east corner, section 90, hundred Hutchison, *via* north-west corner of section 140, hundred of Hutchison, thence through block 6 to north-east corner block 1, hundred of Stokes, to Kapinka.
234. From Arno Bay Jetty, through the hundreds of Boothby, Mann, and Yadnarie, to the north boundary of the town of Cleve.
235. From the Arno Bay and Cleve Main Road, at Bligh, to the west boundary of the hundred of Roberts.
236. From jetty, town of Cowell, north-westerly to section 7, hundred of Miltalie.
237. From the Cowell-Cleve main road, hundred of Mann, to the Arno Bay and Cleve main road, hundred of Boothby.
238. From south-east corner of allotment No. 71, Cowell, to south corner of section 7, hundred of Minbrie; thence along telegraph line to boundary hundred of Warren.
239. From the Cowell and Warren Road easterly along southern boundary of hundred of Minbrie.
240. From main road, at Port Lincoln, *via* Lake Wangary, Warrow, Elliston, and Flinders, to Streaky Bay.
241. From main road at the south corner of section 524, hundred of Lake Wangary, *via* Wangary town, to the south corner of section 217.
242. From main road, at the north corner of section 128, hundred of Warrow, in a south-westerly direction, to Mount Dutton Bay Jetty.
243. From Streaky Bay Main Road, at section 8, hundred of Ulipa, to east boundary hundred of Cummins.
244. From main road, at north-west corner of section 70, hundred of Way, to Morley's Well, in the hundred of Pearce.
245. From the seacoast, at Elliston, *via* Bramfield to Mount Wedge.
246. From Parkin to the Port Lincoln and Streaky Bay Main Road, at section 5, hundred of Wright.
247. From Port Kenny to the Port Lincoln and Streaky Bay Main Road.
248. From Benbarba to Scales Bay.
249. From Streaky Bay and Fowler's Bay road to Parraba Well.
250. From Streaky Bay Jetty *via* section 19BNE, to north boundary hundred of Scott.
251. From the coast at Queenscliffe, *via* Cygnet River, west of section 142, hundred of Haines, and *via* Hog Bay to Lashmar's Lagoon, at the south-west corner of section 58, hundred of Dudley.
252. From Lashmar's Lagoon to the Hog Bay and Kingscote Main Road, at section 116, *via* Hog Bay River Station.
253. From section 132, hundred of Menzies, to section 172, hundred of Haines.
254. From the south-west corner of section 74, hundred of Menzies, *via* Smith's Bay, to north-western corner section 88, hundred of Cassini.
255. From main road, near Cygnet River, *via* section 43, hundred of Menzies, to southern boundary of hundred of Menzies; thence through hundreds of MacGillivray and Cassini to the west boundary hundred of Cassini.
256. From

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256. From Cygnet River Main Road to west boundary hundred of MacGillivray, at section 20.
257. From Cygnet River Main Road, at section 40, to west boundary hundred of MacGillivray, at section 42.
258. From Emu Bay to south corner section 116, hundred of Menzies, and easterly to the Cygnet River Road, at section 44E, hundred of Menzies.
259. From the 38th to 39th milepost from Meningie on Coorong Road.
260. From Cooke's Plains Railway Station south-easterly for about two miles.
261. From south boundary hundred of Malcolm to Tailm Bend Railway Station.
262. From the Pinnaroo Railway Station northwards to section 156, hundred of Pinnaroo.
263. From the town of Pinnaroo to Parilla Head Station.
264. From the town of Pinnaroo easterly to the Victorian border.
265. From the Pinnaroo and Border Road southerly to section 17, hundred of Pinnaroo.
266. From the town of Pinnaroo along the Garra Road to section 26, hundred of Pinnaroo.
267. From Scrubby Springs north-westerly through Parilla Railway Station to of the boundary of the hundred of Parilla, at section 80.
268. From Parilla Railway Station easterly to section 32, hundred of Parilla.
269. From the main road at section 45, hundred of Parilla, northerly to section 75, hundred of Parilla.
270. From the southern end of the hundred of Bews, at section 72, northwards through town of Lameroo to section 3, hundred of Bews.
271. From the main road at the south-east corner of section 35, hundred of Bews, north-westerly to section 101, hundred of Cotton.
272. From the main road at section 56, hundred of Bews, to the south-western corner of the hundred of Bews.
273. From southern corner of section 9, hundred of Von Doussa, northerly through Wilkawatt Railway Station to section 84, hundred of Cotton.
274. From the north-west corner of the hundred of Cotton, through Parrakie Railway Station, to the south-west corner of the hundred of Cotton.
275. From the south-west corner of section 18, hundred of Price, northerly through Geranium Bore Railway Station, to the north boundary of the hundred of Price, at section 4.
276. From Bordertown Railway Station towards the border, where it crosses the Tatiara Creek, to cross roads at section 325, hundred of Tatiara.
277. From Bordertown Railway Station, *via* Pigeon's Flat, Mundalla, Mulligan's Well, and section 283, hundred of Wirrega, to junction with Carew Road.
278. From Bordertown Railway Station for six miles southwards.
279. From Keith to McBain's Head Station.
280. From Bordertown to old Cannawigra Woolshed.
281. From Bordertown and Border Road to hundred of Senior.
282. From Wolseley Railway Station to Pooginagoric Whim Well at the cross roads.
283. From Wolseley Railway Station to section 350, hundred of Tatiara.
284. From section 320, hundred of Tatiara, south to Wolseley.
285. From the Victorian border, through Frances Railway Station, to the west boundary of the hundred of Binnun.
286. From Naracoorte Railway Station, *via* Hynam Railway Station, to the border, near Apsley.
287. From near Mosquito Creek, on the Naracoorte and Mount Gambier railway, for a distance of four miles towards the border east, in the hundred of Joanna.
288. From Naracoorte Railway Station, towards Bordertown for ten miles.
289. From the Comaum Road towards Naracoorte to north-west corner of of section 448, hundred of Comaum.
290. From the Comaum Road towards Mount Gambier for four miles.
291. From Penola Railway Station to the north-west corner of section 122, hundred of Penola.
292. From Penola Railway Station westwards for eight miles.
293. From Penola Railway Station to a point two miles south-west of Yallum.
294. From the Mount Gambier Road, *via* Penola, to the Victorian border towards Casterton.
295. From

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295. From Penola-Glen Roy Road to Coonawarra Railway Station.
296. From MacDonnell Bay Jetty, *via* Mount Gambier, to the northern boundary of the hundred of Blanche.
297. From main road to MacDonnell Bay, near the 4th milepost from Mount Gambier, *via* Caveton, to the boundary of the State, near Glenelg River.
298. From section 207, hundred of Gambier, in a westerly and northerly direction, to junction with main road to MacDonnell Bay, near the 1st milepost from Mount Gambier.
299. From post office, Commercial Street, Mount Gambier, towards the border, south of Lindsay, for six miles.
300. From post office, Commercial Street, Mount Gambier, to Compton.
301. From Tantanoola Railway Station to Glencoe, *via* sections 54, 149, 2294, 2408, and 2411, hundred of Hindmarsh.
302. From Tantanoola-Glencoe Main Road to Kirip Railway Siding.
303. From main road, at section 79, hundred of Mount Muirhead, *via* section 50, hundred of Mount Muirhead, to south boundary hundred of Fox.
304. From Lucindale Railway Station to section 34, hundred of Fox.
305. From the Lucindale and Millicent Main Road at section 38 to north-east corner of section 70, hundred of Joyce.
306. From the Joyce Main Road, at Lucindale, to Ardune Railway Crossing.
307. From main Road, at Millicent Railway Station, *via* Hatherleigh, to Rendelsham Railway Station.
308. From Millicent Railway Station to section 55, hundred of Hindmarsh.
309. From Millicent Railway Station, *via* Campbell's Hill, east of section 477 and south of sections 497 and 865, to Kalangadoo Railway Station on the eastern side.
310. From White Hut, *via* Kingston Railway Station, to join main road at section 310, hundred of Waterhouse.
311. From Kingston Railway Station towards Blackford to cross roads south of section 9, hundred of Murrabinna,
312. From Kingston-Murrabinna Main Road to Murrabinna Head Station.
313. From Robe Jetty to Gillap.
314. From main road, at section 43, hundred of Bray, to Beachport Railway Station and Jetty.
315. From Beachport to Furner.

## SCHEDULE B.

## CITY OF ADELAIDE.

1. *Botanic Road*.—Commencing at the junction of North and East Terraces, city of Adelaide, hundred of Adelaide; thence east and north-easterly to the western side of Hackney Road. Distance, about twenty chains; number on Schedule A, 4.
2. *Port Road*.—Commencing at King William Street, city of Adelaide, hundred of Adelaide; thence along North Terrace and north-westerly through park lands to the western boundary of the city. Distance, about one and a quarter miles; number on Schedule A, 27.
3. *Bay Road*.—Commencing at the junction of South and West Terraces, city of Adelaide, hundred of Adelaide; thence south-westerly through park lands to the south-western corner of the city. Distance, about forty-three chains; number on Schedule A, 23.
4. *Unley Road*.—Commencing at South Terrace, city of Adelaide, hundred of Adelaide; thence southerly through the park lands to the north side of Park Terrace. Distance, about thirty chains; number on Schedule A, 20.
5. *Beaumont Road*.—Commencing at the junction of South and East Terraces, city of Adelaide, hundred of Adelaide; thence south and south-easterly to the south-eastern corner of the city. Distance, about forty-three chains; number on Schedule A, 14.

6. *Main*

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6. *Main North Road*.—Commencing at the intersection of O'Connell Street and Barton Terrace, city of Adelaide; thence north-easterly through park lands to the north-western end of Robe Terrace. Distance, about twenty-two chains; number on Schedule A, 3.

7. *Glen Osmond Road*.—Commencing at South Terrace, city of Adelaide; thence south-easterly through park lands to the north side of Park Terrace. Distance, about forty-five chains; number on Schedule A, 18.

8. *Mile-End Road*.—Commencing at West Terrace, city of Adelaide; thence westerly through park lands to the western boundary of the city. Distance, about thirty chains; number on Schedule A, 24.

Total length of main roads, about four miles thirteen chains.

## ALDINGA DISTRICT COUNCIL DISTRICT.

1. *Main South Road*.—Commencing on the north boundary of the district at the north-west corner of section 139, hundred of Willunga; thence southerly between sections 373 and 169, 385 and 199; south-westerly through sections 390, 395, 394, 400; southerly between sections 400, 407; south-westerly through sections 407, 422, 426; southerly between sections 430 and 431, 609 and 610, 624 and 643, through sections 655, 668, 727, and between sections 680 and 733, 678 and 679 to the south boundary of the district. Distance, about ten miles; number on Schedule A, 23.

2. *Port Willunga Branch Main Road*.—Commencing at the Port Willunga Jetty, hundred of Willunga; thence south-easterly through sections 391, 398, between sections 399 and 407, through sections 400, 401, 229, 230, 241, and easterly between sections 242 and 252, 243 and 253 to the east boundary of the district at the south-east corner of section 243. Distance, about four and a quarter miles; number on Schedule A, 37.

Total length of main roads, about fourteen and a quarter miles.

## ALMA PLAINS DISTRICT COUNCIL DISTRICT.

1. *Hamley Bridge and Alma Main Road*.—Commencing at the Light Bridge, section 224, hundred of Alma; thence northerly through section 224, through the town of Hamley Bridge, along Gilbert Street; north-westerly between sections 238 and 334, 239 and 335; north-easterly between sections 237 and 240; north-westerly between sections 242 and 252 to the town of Corcondo, section 248, hundred of Alma; north-westerly between sections 455 and 758, 414 and 702; northerly between sections 120 and 412 to the town of Alma, section 106; thence between sections 105 and 404, to north-east corner of section 98, hundred of Alma. Distance, about ten miles; number on Schedule A, 119.

2. *Hamley Bridge and Barabba Main Road*.—Commencing at the eastern corner of the town of Corcondo, section 248, hundred of Alma; thence south-westerly between sections 762 and 792, 773 and 789; and north-westerly to the western boundary of the district between sections 784 and 785. Distance, about three and a half miles; number on Schedule A, 118.

3. *Owen Main Road*.—Commencing at Hamley Bridge and Alma Main Road, at section 98, hundred of Alma; thence south-westerly between sections 185 and 345 to the west boundary of the hundred north of section 631. Distance, about four miles; number on Schedule A, 119.

Total length of main roads, about seventeen and a half miles.

## ANGAS DISTRICT COUNCIL DISTRICT.

1. *Mount Pleasant and Sedan Main Road*.—Commencing at the west boundary of the district, in section 76, hundred of Angas; thence north-easterly between sections 76 and 77, 340 and 434, 89 and 241, 84 and 279, and northerly between sections 84 and 283, 294 and 295, 115 and 116, 165 and 166, to the north boundary of the district, at the north-east corner of section 165. Distance, about twelve miles; number on Schedule A, 65.

2. *Rhine Villa and Walker's Flat Main Road*.—Commencing at the Mount Pleasant and Sedan Main Road, at the south-west corner of section 116, hundred of Angas; thence easterly between sections 116 and 327, 133 and 337; north easterly between sections 152 and 475, 156 and 402, 3 and 387, 2x and 381, and

south-easterly

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south-easterly between sections 319 and 378 to the east boundary of the district, at the south corner of section 319. Distance, about eight and a half miles; number on Schedule A, 66.

3. *Mannum Main Road*.—Commencing on the Mount Pleasant and Rhine Villa Main Road, at south-east corner of section 84; thence between sections 238 and 240, 208 and 209, hundred of Angas, to the south boundary of the hundred. Distance, about four and a half miles; number on Schedule A, 67.

Total length of main roads, about twenty-five miles.

## ANGASTON DISTRICT COUNCIL DISTRICT.

1. *Tanunda and Truro Main Road*.—Commencing on the boundary of the district in section 34, hundred of Moorooroo; thence between sections 49 and 48, 121 and 122, 48 (hundred of Nuriootpa) and 173 (hundred of Moorooroo); thence north-easterly through sections 199, 203, 3012, 223, and 238, hundreds of Belvidere and Moorooroo, to the north-eastern boundary of the district in section 238. Between sections 135 and 138, hundred of Moorooroo, the council only controls 42ft. of the road. Distance, about six and a half miles; number on Schedule A, 87.

2. *Nuriootpa and Keyneton Road*.—Commencing at the Tanunda and Truro Main Road between sections 135 and 142, hundred of Moorooroo; thence easterly between sections 126 and 131, through section 679, between sections 346 and 426, through sections 418, 386, 390, and 359 to the eastern boundary of the district. Distance, about eight and three-quarter miles; number on Schedule A, 71.

3. *Angaston and Eden Valley Main Road*.—Commencing at the Nuriootpa to Keyneton Main Road on the north-eastern boundary of section 426, hundred of Moorooroo; thence south-easterly and southerly between sections 344 and 431, through sections 413 and 410, between sections 399 and 400, 962 and 405, 462 and 463, 479 and 480 to the south boundary of the district. Distance, about seven and a half miles; number on Schedule A, 86.

4. *Stockwell and Kapunda Main Road*.—Commencing at the town of Stockwell, east of section 209, hundred of Moorooroo; thence north of section 209 to the Nuriootpa and Truro Main Road. Distance, about forty chains; number on Schedule A, 90.

Total length of main roads, about twenty-three and a quarter miles, of which one and a quarter miles is 42ft. wide, the Nuriootpa Council having control of 24ft.

## APOINGA DISTRICT COUNCIL DISTRICT.

1. *Black Springs and Burra Main Road*.—Commencing at the western boundary of the district, between sections 403 and 404, hundred of Apoinga; thence generally in a northerly direction between sections 14 and 91 to the north boundary of the district, between sections 51 and 53. Distance, about five and three-quarter miles; number on Schedule A, 130.

2. *Burra and Eudunda Main Road*.—Commencing at the northern boundary of the district, between sections 51 and 80, hundred of Bright; thence southerly, passing the township of Lapford, along Sixth Street, between sections 74 and 203; south-easterly between sections 204 and 205, 25s and 26, 5 and 7s; and south-westerly to the southern boundary of the district, between sections 4 and 6, hundred of Bright. Distance, about twelve miles; number on Schedule A, 97.

3. *Black Springs Main Road*.—Commencing at the west boundary of the hundred of Apoinga, between sections 88 and 84; thence through section 4, and between sections 230 and 240 to the west corner of section 420N. Distance, about five miles; number on Schedule A, 123.

Total length of main roads, about twenty-two and three-quarters miles.

## BALAKLAVA DISTRICT COUNCIL DISTRICT.

1. *Balaklava and Mount Templeton Main Road*.—Commencing on the east boundary of the district at the north-eastern corner of section 4, hundred of Balaklava; thence north-westerly between sections 4 and 110, and northerly between sections 106 and 107; thence north-westerly between sections 118 and 119 to town of Balaklava, along Wallace Street, and westerly along Edith Terrace, across railway line, and between sections 217 and 365, 265 and 294, 2151 and 2152 to the south boundary of hundred of Stow; thence north-westerly between sections 13

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and 48, 2 and 51, and northerly between sections 55 and 56, 94 and 95 to the north boundary of the district between sections 108 and 109. Distance, about fifteen miles; number on Schedule A, 116.

Total length of main roads, about fifteen miles.

## BAROSSA DISTRICT COUNCIL DISTRICT.

1. *Gawler and Williamstown Main Road*.—Commencing on the east boundary of the corporate town of Gawler at the west boundary of section 6, hundred of Nuriootpa; thence easterly between sections 3075 and 3076, 734 and 735, hundred of Barossa; through sections 737 and 738, between sections 722 and 3026, 726 and 3019; thence south-easterly between sections 3018 and 3019, 86 and 87, 93 and 224, 96 and 98, 790 and 795, 3160 and 3161, through sections 521 and 520, and southerly through sections 816, 9, 10 to the south-east boundary of the district at the south-east corner of section 10. Distance, about ten miles; number on Schedule A, 89.

2. *Lyndoch and Tanunda Main Road*.—Commencing at the south corner of section 536, hundred of Barossa; thence easterly between sections 536 and 501, 3070 and 562, 565 and 564, and north-easterly between sections 566 and 566A, 2702 and 2716, 2727 and 2706 to the north-east boundary of the district at the north-west corner of section 2706. Distance, about four and a quarter miles; number on Schedule A, 87. (Road from Lyndoch to Sandy Creek to be regarded as on the schedule until one year after completion of Angaston railway).

3. *Lyndoch and Williamstown Main Road*.—Commencing at the south-west corner of section 536, hundred of Barossa; thence between sections 502 and 533, 511 and 255, to the south-east corner of section 10. Distance, about four and a quarter miles; number on Schedule A, 88.

Total length of main roads, about twenty-two and a half miles, including the Sandy Creek and Lyndoch Road.

## BEACHPORT DISTRICT COUNCIL DISTRICT.

1. *Beachport and Robe Main Road*.—Commencing at the jetty, town of Beachport, hundred of Rivoli Bay; thence north-easterly between Lake George and Rivoli Bay to the south corner of block G, and northerly between block G and sections 128, 131 to the south boundary of the hundred of Lake George, in section 4; thence through section 4 and between sections 5E and 5W, 6S and 7E, and north-westerly through section 9 and between sections 15S and 10N to the north boundary of the district between sections 14 and 15N. Distance, about fourteen and a half miles; number on Schedule A, 314.

2. *Beachport and Furner Main Road*.—Commencing at the Beachport and Robe Main Road between sections 4 and 5E, hundred of Lake George; thence easterly to the west boundary of the hundred of Symon between sections 1N and 34, north-easterly between sections 32 and 9, 42 and 45, and easterly between sections 16N and 16S, 80 and 57W to the east boundary of the district at the north-east corner of section 56N. Distance, about twelve and a half miles; number on Schedule A, 315.

3. *Robe and Penola Main Road*.—Commencing at the north boundary of the district between sections 119 and 120W, hundred of Symon; thence south-easterly between sections 4 and 6, 116 and 114 to the east boundary of the district at the north corner of section 115. Distance, about four miles; number on Schedule A, 313.

Total length of main roads, about thirty-one miles.

## BELALIE DISTRICT COUNCIL DISTRICT.

1. *Mannanarie Main Road*.—Commencing at the north boundary of the corporate town of Jamestown, hundred of Belalie, between sections 435 and 436, the western half of road to between sections 406 and 407; thence northerly, the full width of the road, between sections 360 and 611, 158 and 302, to the north boundary of the district, between sections 153 and 163, hundred of Belalie. Distance, about six and a quarter miles; number on Schedule A, 157.

2. *Callowie Main Road*.—Commencing at the west boundary of the corporate town of Jamestown, hundred of Belalie, between sections 466 and 473; thence  
westerly



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westerly between sections 469 and 470, to the west boundary of the district, between sections 60 and 89, hundred of Belalie. Distance, about one and three-quarter miles; number on Schedule A, 138.

3. *Yarcowie Main Road*.—Commencing at the east boundary of the corporate town of Jamestown, hundred of Belalie, between sections 636 and 641; thence easterly, between sections 104 and 110, 109 and 111, 102 and 204, and between sections 24 and 141, hundred of Whyte, to the east boundary of the district, between sections 41 and 139. Distance, about eight and a half miles; number on Schedule A, 138.

4. *Spalding Main Road*.—Commencing at the east boundary of the corporate town of Jamestown, hundred of Belalie, between sections 636 and 641; thence easterly and south-easterly, between sections 88 and 110, 87 and 111; southerly between sections 87 and 528, 39 and 538, to the south boundary of the district, between sections 8 and 556. Distance, about eleven and a half miles; number on Schedule A, 157.

5. *Belalie North and Yongala Main Road*.—Commencing at open crossing north of Belalie North Railway Station, at section 173, hundred of Belalie; thence along western boundary of section 173, between sections 173 and 178, hundred of Belalie, sections 469 and 470, hundred of Whyte, to north-west corner of section 471. Distance, about five miles; number on Schedule A, 152.

Total length of main roads, about thirty-three miles.

## BELVIDERE DISTRICT COUNCIL DISTRICT.

1. *Greenock and Kapunda Main Road*.—Commencing at the south boundary of the district between sections 1814 and 7597, hundreds of Belvidere and Nuriootpa; thence northerly between sections 564 and 7597, 533 and 534, 496 and 497, 449 and 450, 1416 and 1417 to the River Light at the north-west boundary of the district. Distance, about five and a quarter miles; number on Schedule A, 1.

2. *Ford's to Main North Road*.—Commencing at the Greenock and Kapunda Main Road at the north-east corner of section 536, hundred of Belvidere; thence westerly between sections 495 and 538 to the western boundary of the district at the south-west corner of section 495. Distance, about three-quarters of a mile; number on Schedule A, 75.

3. *Kapunda and Stockwell Main Road*.—Commencing at the bridge over the River Light, north of section 1456; thence between sections 1533 and 1534, 341 and 342, 352 and 313, 3005 and 2998, hundred of Belvidere, to the Nuriootpa and Truro Road at section 3012. Distance, about nine miles; number on Schedule A, 90.

Total length of main roads, about fifteen miles.

## BLANCHETOWN DISTRICT COUNCIL DISTRICT.

1. *Swan Reach Main Road*.—Commencing at the west boundary of the district, between sections 34 and 83, hundred of Fisher; thence easterly, between sections 61 and 79, 94 and 95, 98 and J, south east of section 8 to River Murray at Swan Reach. Distance, about ten miles; number on Schedule A, 71.

2. *Pyap Main Road*.—Commencing at the western boundary of section 62, hundred of Nildottie; thence south-easterly, between sections 49 and 91s, 34 and 70; north-easterly, between sections 28 and 34; easterly, between sections 28 and 71, 22 and 77E, between sections 1CB and 10E, 13C and 14A, 7 and 8, hundred of Bakara, 12N and 13, 14A and 14N, hundred of Mantung, to north boundary of the hundred in section 16A. Distance, about forty-seven miles; number on Schedule A, 84.

3. *Blanchetown Main Road*.—Commencing at the eastern boundary of section 77, hundred of Skurray; thence north-easterly, between sections 67 and 117, 97 and 98, to Blanchetown, and along Egerton Street to the River Murray. Distance, about six and a quarter miles; number on Schedule A, 83.

Total length of main roads, about sixty-three and a quarter miles

## BLYTH DISTRICT COUNCIL DISTRICT.

1. *Blyth Railway Station to Clare Main Road*.—Commencing at the Blyth Railway Station, section 198, hundred of Blyth; thence southerly through section 198 and

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and easterly between recreation reserve and sections 197, 195, and between sections 194 and 456, 193 and 47 to the east boundary of the district at the south-east corner of section 192. Distance, about three and a half miles; number on Schedule A, 133. Total length of main roads, about three and a half miles.

## BOOBOROWIE DISTRICT COUNCIL DISTRICT.

1. *Main Road to Hallett Railway Station*.—Commencing at cross roads at section 374, hundred of Anne; thence south-easterly between sections 181 and 182, 184 and 186, 29 and 31, 321 and 325 to the eastern boundary of the district at Tommy's Gap. Distance, about three and three-quarter miles; number on Schedule A, 137.

2. *Farrell's Flat to Booborowie Main Road*.—Commencing at the north-west corner of town of Booborowie, hundred of Ayers; thence southerly between sections 230 and 701, 69 and 165, 75 and 162, 418 and 419 to the south boundary of the district between sections 417 and 420. Distance, about seven miles; number on Schedule A, 136.

3. *Burra and Leighton Main Road*.—PART I.—Commencing on the eastern boundary of the district at the north-east corner of section 157, hundred of Ayers; thence south-westerly between sections 148 and 156, 150 and 153, 142 and 151 to the south boundary of the district between sections 428 and 429. PART II.—Commencing on the south boundary of the district at the south-east corner of section 423, hundred of Ayers; thence westerly along the southern boundary to the south-east corner of section 417, and north-westerly between sections 416 and 417, 117 and 166 to Leighton, at the south corner of section 454. Total distance, about six and three-quarter miles; number on Schedule A, 105.

Total length of main roads, about seventeen and a half miles.

## BOOYOOOLIE DISTRICT COUNCIL DISTRICT.

1. *Laura to Melrose Main Road*.—Commencing at the north boundary of the corporate town of Laura, hundred of Booyoolie, between sections 23 and 265; thence northerly, between sections 26 and 454, 9 and 145, to the north boundary of the district. Distance, about five miles; number on Schedule A, 167 (to remain on Schedule until one year after the completion of Booleroo railway).

2. *Laura to Appila-Yarrowie Main Road*.—Commencing at the north boundary of the corporate town of Laura, hundred of Booyoolie, between sections 23 and 212; thence north-easterly, between sections 19 and 240N, 6 and 31, to the north boundary of the district. Distance, about five miles; number on Schedule A, 165.

3. *Stone Hut and Calkowie Main Road*.—Commencing at the junction of Laura to Melrose Main Road, at south side of allotment 30, town of Stone Hut, hundred of Booyoolie; thence easterly, between sections 1 and 8, 201 and 203, to the eastern boundary of the district. Distance, about four miles; number on Schedule A, 138.

Total length of main roads, about fourteen miles, including No. 1.

## BREMER DISTRICT COUNCIL DISTRICT.

1. *Strathalbyn and Langhorne's Creek Main Road*.—Commencing at the north-west corner of the district at the north corner of section 2753, hundred of Bremer; thence easterly following the north boundary of the hundred to Langhorne's Bridge, at the north corner of section 3550. Distance, about six miles; number on Schedule A, 55.

2. *Langhorne's Creek and Woodchester Main Road*.—Commencing at the Strathalbyn and Langhorne's Creek Main Road in section 3551, hundred of Strathalbyn; thence north-westerly through sections 3551 and 3548 to the north boundary of the district. Distance, about one and three-quarter miles; number on Schedule A, 54.

Total length of main roads, about seven and three-quarter miles.

## CORPORATE TOWN OF BRIGHTON.

1. *Brighton Main Road*.—Commencing at the south-west corner of section 200, hundred of Adelaide; thence northerly between sections 210 and 234; westerly along Whyte Street, and northerly along Scarborough Street to the north boundary of the town. Distance, about three and three-quarter miles; number on Schedule A, 22.

Total length of main roads, about three and three-quarter miles.

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## BRINKLEY DISTRICT COUNCIL DISTRICT.

1. *Strathalbyn and Wellington Main Road.*—Commencing at the west boundary of the district (Langhorne's Bridge), section 3555, hundred of Freeling; thence generally in an easterly direction, between sections 3563 and 3566, 148 and 3579, through section 28 in said hundred, and between sections 192 and 184, 437 and 447, 297 and 305, hundred of Brinkley, through the town of Wellington, to the east boundary of the district at the River Murray. Distance, about twenty-and a half miles: number on Schedule A, 55.

Total length of main roads, about twenty and a half miles.

## BROUGHTON DISTRICT COUNCIL DISTRICT.

1. *Snowtown and Redhill Main Road.*—Commencing at the south boundary of the district, between sections 19 and 219, hundred of Redhill; thence northerly between sections 14 and 782, 67 and 756, 336 and 743 to join the Brinkworth and Crystal Brook Main Road at Redhill. Distance, about six and three-quarter miles; number on Schedule A, 117.

2. *Brinkworth and Crystal Brook Main Road.*—Commencing at the south boundary of the district between sections 146 and 147, hundred of Koolunga; thence north-westerly between sections 141 and 164w, through the town of Koolunga, between sections 204 and 216, 76 and 91 to the eastern boundary of the hundred of Redhill, between sections 202 and 205; thence north-westerly between sections 304 and 307 to the south-west corner of section 316, and south-westerly and westerly through park lands and *via* the town of Broughton to the eastern corner of section 394; thence between sections 428 and 438, 190 and 195, 181 and 221 to the northern boundary of the district between sections 178 and 227. Distance, about eighteen miles; number on Schedule A, 134.

3. *Mundoora and Koolunga Main Road.*—Commencing at the western boundary of the district, between sections 513 and 540, hundred of Redhill; thence easterly between sections 519 and 522, through the town of Keilli, between sections 26 and 42, 13 and 73 to the western boundary of the hundred of Koolunga, between sections 18 and 32; thence between sections 28 and 22, 138 and 140, and northerly between sections 140 and 141 to the Brinkworth and Crystal Brook Main Road at the north corner of section 141. Distance, about fifteen and a half miles; number on Schedule A, 158.

4. *Percyton and Mundoora Main Road.*—Commencing at the south boundary of the district, between sections 508 and 510, hundred of Redhill; thence north-westerly between sections 509 and 510, 511N and 512 to the west boundary of the district. Distance, about one and three-quarter miles; number on Schedule A, 194.

Total length of main roads, about forty-two miles.

## BURNSIDE DISTRICT COUNCIL DISTRICT.

1. *Greenhill Road.*—Commencing at the west boundary of the district, between sections 263 and 264, hundred of Adelaide; thence east to the south-east corner of section 320, through section 903, to the east boundary of the district at section 904; southerly along east boundary of the district to the north-west corner of the district of Crafers, between sections 908 and 1052. Distance, about three and a half miles; number on Schedule A, 14.

2. *Brown Hill Creek Road.*—Commencing at the north-west corner of the district, between sections 261 and 262, hundred of Adelaide; then southerly along the western boundaries of sections 262, 263, and 264, to the Glen Osmond Main Road. Distance, about one and a quarter miles; number on Schedule A, 1.

3. *Marryatville and Glen Osmond Road.*—Commencing at the north-west corner of section 291, hundred of Adelaide; then southerly along the western boundaries of sections 291, 292, 293, 294, and 295, to the Glen Osmond Main Road. Distance, about two miles; number on Schedule A, 33.

4. *Norton's Summit Road.*—Commencing at the western boundary of the district, between sections 287 and 288, hundred of Adelaide; thence easterly, by half width of road, to the north-east corner of section 285, for a distance of about two miles; and easterly, by full width of road, to the north-east corner of the district, for

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for a distance of about a quarter of a mile. Distance, about two and a quarter miles, of which two miles is half width only; number on Schedule A, 11.

Total length of main roads, about nine miles, of which about two miles is half width only.

## CORPORATE TOWN OF BURRA.

1. *Leighton Main Road*.—Commencing at the north boundary of the corporate town of Burra, hundred of Kooringa, section 9; thence south-easterly to the Burra Railway Station. Distance, about forty-seven chains; number on Schedule A, 105.

2. *Baldina Main Road*.—Commencing at the Burra Railway Station; thence easterly along Morehead Street, town of Aberdeen, and Ludgovan Street, town of Redruth, hundred of Kooringa, to the east boundary of the corporate town, at the south-east corner of section 2068. Distance, about one and a half miles; number on Schedule A, 104.

3. *Aberdeen and Kooringa Main Road*.—Commencing at the Baldina Main Road, between allotments 23 and 48, town of Aberdeen, hundred of Kooringa; thence south-easterly along Best Place to Market Square, town of Kooringa; thence generally easterly along Kingston Street and Paradise to the east boundary of the corporate town. Distance, about one and three-quarter miles; number on Schedule A, 103.

4. *Burra and Manoora Main Road*.—Commencing at Market Square, town of Kooringa, hundred of Kooringa; thence south-westerly along Commercial Street, and southerly to the south-western corner of the corporate town. Distance, about one and three-quarter miles; number on Schedule A, 130.

Total length of main roads, about five miles forty-seven chains.

## BURRA DISTRICT COUNCIL DISTRICT.

1. *Burra and Leighton Main Road*.—Commencing at the north boundary of the corporate town of Burra, hundred of Kooringa, at section 9; thence north-westerly between sections 39 and 56, and westerly to the west boundary of the district, between sections 169 and 189. Distance, about three and a quarter miles; number on Schedule A, 105.

2. *Burra and Manoora Road*.—Commencing at the west boundary of the corporate town of Burra, hundred of Kooringa, between sections 2261 and 2266; then southerly between sections 2194 and 2197; then through sections 2196, 2055, 2058, 11, 21, 27, 31, 35, to the south boundary of the district, between sections 35 and 36, hundred of Kooringa. Distance, about six miles fifty chains; number on Schedule A, 130.

3. *Kooringa and Diprose Creek Main Road*.—Commencing at the east boundary of the corporate town of Burra, hundred of Kooringa; then running east-north-easterly along Nankivell's Gully, to Baldina Road, at Diprose Creek. Distance, about one mile thirty-five chains; number on Schedule A, 103.

4. *Redruth and Baldina Main Road*.—Commencing at the east boundary of the corporate town of Burra, hundred of Kooringa, at the south-east corner of section 2068; then generally easterly along Diprose Creek; then through section 224, and between sections 222 and 228, to the east boundary of the hundred of Kooringa. Distance, about five miles; number on Schedule A, 104.

5. *Burra and Eudunda Main Road*.—Commencing at the Baldina Main Road, section 224, hundred of Kooringa; then south-easterly between sections 233 and 236 to the east boundary of the hundred of Kooringa, between sections 241 and 242, then south-easterly between sections 68 and 70, hundred of Baldina; and southerly to the south boundary of the district, between sections 2 and 4, hundred of Baldina. Distance, about ten miles forty chains; number on Schedule A, 97.

6. *Shafton Hill Main Road*.—Commencing at west boundary of the town of Burra, between sections 2277 and 2278, hundred of Kooringa, sections 53 and 54 to west boundary of the hundred, between sections 75 and 77. Distance, about two and a half miles; number on Schedule A, 106.

Total length of main roads, about twenty-nines miles twenty-five chains.

## CALTOWIE DISTRICT COUNCIL DISTRICT.

1. *Caltowie and Pekina Main Road*.—Commencing at Caltowie Railway Station, hundred of Caltowie; thence through Caltowie township northerly along Price Street,

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Street, westerly along Charles Street, and northerly along Browne Street; northerly between sections 283 and 284, and 94 and 127; thence northerly, between sections 78 and 171, 87 and 88, 90 and 91, to section 136, hundred of Tarcowie; north-easterly, between sections 395 and 138N, 373 and 374, to the town of Tarcowie; along High Street, and northerly to the northern boundary of the district, between sections 271 and 274. Distance, about eighteen miles; number on Schedule A, 150.

2. *Caltowie and Jamestown Main Road*.—Commencing at the centre of Caltowie township, hundred of Caltowie; thence south-easterly, between sections 261 and 262, to the east boundary of the district, between sections 2 and 34. Distance, about five miles; number on Schedule A, 138.

3. *Caltowie and Stone Hut Main Road*.—Commencing at the centre of Caltowie township, hundred of Caltowie; thence north-westerly, between sections 295 and 304, 165 and 140, 335 and 337, to the west boundary of the district, between sections 357 and 364. Distance, about eight and a half miles; number on Schedule A, 138.

4. *Appila-Yarrowie and Tarcowie Main Road*.—Commencing at the Caltowie and Pekina Main Road, between sections 93 and 134, hundred of Tarcowie; thence south-westerly, between sections 232E and 241, 232W and 233, 229S and 224, to the west boundary of the district, between sections 9 and 10. Distance, about five miles; number on Schedule A, 165.

Total length of main roads, about thirty-six and a half miles.

## CAMPBELLTOWN DISTRICT COUNCIL DISTRICT.

1. *Lower North-Eastern, or Paradise Main Road*.—Commencing at the west boundary of the district, between sections 307 and 312, hundred of Adelaide; thence north-easterly, through sections 333, 334, 335, to the north boundary of the district, at Paradise Bridge. Distance, about two miles; number on Schedule A, 4.

2. *Montacute Main Road*.—Commencing at the west boundary of the district, between sections 312 and 313, hundred of Adelaide; thence easterly, between sections 279 and 280, 40 and 301, to the east boundary of the district, between sections 811 and 831. Distance, about three miles; number on Schedule A, 13.

3. *Eastern or Magill Main Road*.—Commencing at the south-west corner of the district, between sections 272 and 273, hundred of Adelaide; thence easterly between sections 285 and 327, by half width of road to the south-east corner of the latter section for a distance of about one mile; thence north-easterly, through section 342, to the eastern boundary of the district. Distance, about one and a half miles, of which one mile is half width only; number on Schedule A, 11.

Total length of main roads, about six and a half miles, of which one mile is half width only.

## CARRIETON DISTRICT COUNCIL DISTRICT.

1. *Eurelia and Morchard Main Road*.—Commencing at Eurelia Railway Station, hundred of Eurelia; thence westerly between sections 441 and 445, 427 and 25E; south-westerly between sections 25W and 33, and southerly between sections 14 and 15, to the south boundary of the district, at the south-east corner of section 5. Distance, about four and a half miles; number on Schedule A, 177.

2. *Carrieton and Hundred of McCulloch Main Road*.—Commencing at the south-west corner of section 45, hundred of Yanyarrie; thence north-easterly between sections 46 and 47, 90 and 103, 99 and 111, 118 and 130, to the western boundary of the hundred of Bendleby, between sections 164 and 165; thence to the south boundary of the hundred of Eurilpa, between sections 6S and 5; north-easterly between sections 28 and 30, 251 and 257, 86 and 289; easterly between sections 89 and 93, to the eastern boundary of the hundred; northerly to the south corner of section 114; north-easterly between sections 49 and 62, hundred of McCulloch, to the northern boundary of the hundred, at the eastern corner of section 58. Distance, about twenty-six miles; number on Schedule A, 178.

3. *Carrieton to Cradock Main Road*.—Commencing at the town of Carrieton, hundred of Eurelia; thence northerly to the north-west corner of section 557, and between sections 324 and 325, 290 and 292, hundred of Yanyarrie; westerly and north-westerly between sections 80 and 290, along western boundary of section 88, between sections 25NW and 24, through section 471, between sections 184 and 167, 175 and 176, to the south boundary of the hundred of Uroonda, between sections

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6E and 7; thence northerly through the town of Charlcombe, and along the west boundaries of sections 59, 74, and 113, to the northern boundary of the district, at the north-west corner of section 90. Distance, about twenty-three and a half miles; number on Schedule A, 179.

4. *Johnburgh and Carrieton Main Road.*—Commencing at the Carrieton Railway Station, hundred of Eurelia; thence easterly between sections 749 and 755 to the north corner of section 753, *via* Carrieton, south-easterly and easterly between sections 654 and 655, 113 and 109, to the west boundary of the hundred of Oladdie, between sections 173 and 180; thence south-easterly, easterly, north-easterly, and southerly between sections 93 and 97, 92 and 98, 89w and 90, 102 and 103s, to Johnburgh. Distance, about fourteen miles; number on Schedule A, 180.

5. *Johnburgh and Orroroo Main Road.*—Commencing at the northern corner of section 103, hundred of Oladdie; thence between sections 270 and 88, 65 and 70, 14 and 27, to the southern boundary of the hundred, between sections 4NE and 5. Distance, about ten miles; number on Schedule A, 173.

Total length of main roads, about seventy-eight miles.

## CAURNAMONT DISTRICT COUNCIL DISTRICT.

1. *Walker's Flat Punt to Mannum Main Road.*—Commencing at Walker's Flat Punt, adjoining section 297, hundred of Ridley; thence southerly between the bank of the River Murray and sections 297, 298N; westerly between sections 298N and 298s; south-westerly between sections 51 and 300; westerly between sections 52s and 80; south-westerly between sections 136 and 124, 120 and 11, 100 and 4 to the south-west corner of the district, at section 1. Distance, about twelve miles; number on Schedule A, 62.

2. *Walker's Flat Punt to Rhine Villa Main Road.*—Commencing at Walker's Flat Punt and Mannum Main Road, hundred of Ridley; thence north-westerly between sections 54 and 297, southerly and westerly between sections 54 and 55, northerly between sections 165 and 170, 63 and 179; thence generally in a north-westerly direction south-west of South Rhine River to the western boundary of the district, at the south-west corner of section 244. Distance, about fourteen and a half miles; number on Schedule A, 66.

3. *Chucka Bend to Bowhill Main Road.*—Commencing at Chucka Bend Wharf at north of section 1A, hundred of Bowhill; thence through section 1 and between sections 2NE and 3, 14 and 17A, 24 and 25 to east boundary of the hundred at south-east corner of section 30. Distance, about fifteen and a half miles; number on Schedule A, 68.

4. *Forster Main Road.*—Commencing at Bolt's Landing, section 302, hundred of Forster; thence between sections 76 and 71 to north-east corner of section 66. Distance, about seven and a half miles; number on Schedule A, 69.

5. *Caurnamont and Purnong Main Road.*—Commencing at north corner of section 28, hundred of Ridley; thence east of section 310 to Purnong Punt, east of section 317. Distance, about two miles; number on Schedule A, 70.

Total length of main roads, about fifty-one and a half miles.

## CORPORATE TOWN OF CLARE.

1. *Clare to Saddleworth Main Road.*—Commencing at the south boundary of the corporate town of Clare, hundred of Clare, in section 38; thence north-westerly, through sections 38, 39, 40, and 42, to the north boundary of the town. Distance, about seventy-five chains; number on Schedule A, 126.

2. *Clare to Farrell's Flat Main Road.*—Commencing at Main Street, corporate town of Clare, hundred of Clare, in section 40; thence northerly and north-easterly to the north boundary of the town, in section 41A. Distance, about fifteen chains; number on Schedule A, 135.

Total length of main roads, about one mile ten chains.

## CLARE DISTRICT COUNCIL DISTRICT.

1. *Clare and Blyth Main Road.*—Commencing at the north boundary of the corporate town of Clare, in section 42, hundred of Clare; thence north-westerly through sections 42, 125, 124, and south-westerly between sections 130 and 283, and through section 131; thence westerly between sections 1969 and 1968, through sections

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sections 1972, 1973, 1974 to the west boundary of the district. Distance, about four and a half miles; number on Schedule A, 133.

2. *Clare and Anama Main Road.*—Commencing on the Clare and Blyth Main Road at the south-west corner of section 43, hundred of Clare; thence northerly between sections 43 and 125, 46 and 126, through sections 47, 48, 49, and between sections 53 and 341, 451 and 452, 57 and 58 to the north boundary of the district. Distance, about three miles; number on Schedule A, 134.

3. *Clare and Farrell's Flat Main Road.*—Commencing at the Clare and Hill Town Main Road between sections 41 and 136, hundred of Clare; thence south-easterly through sections 136, 138, 3071, 3070, 210, and north-easterly between sections 601 and 602; thence through section 206 and between sections 515 and 517; south-easterly through section 519 and between sections 711 and 717, 714 and 721 to the east boundary of the district. Distance, about seven and a half miles; number on Schedule A, 135.

4. *Clare and Saddleworth Main Road.*—Commencing at the south boundary of the corporate town at the north boundary of section 85, hundred of Clare; thence southerly through sections 85, 73, 74, 77, 95, 91, 88; between sections 81 and 82; through sections 3, 314, *via* Penwortham, and through sections 29, 28, 352 to the south boundary of the district. Distance, about seven miles; number on Schedule A, 126.

5. *Sevenhills and Mintaro Main Road.*—Commencing at the Clare and Saddleworth Main Road, between sections 87 and 82, hundred of Clare; thence south-easterly through sections 82, 83, 5, and between sections 305, 304, and 308 to the east boundary of the district; thence north-easterly along district boundary to the north-west corner of section 306. Distance, about two miles; number on Schedule A, 131.

Total length of main roads, about twenty-four miles.

## CLARENDON DISTRICT COUNCIL DISTRICT.

1. *Bull's Creek Main Road.*—Commencing on the north boundary of the district, at the north-west corner of section 865, hundred of Noarlunga; thence generally in a southerly direction through sections 865, 864, 863, between sections 441 and 451, 64 and 98; through sections 802, 797, 1265, 264, 268, 267, 1640, 273, 675, 688, 687, 800, 801, to the north boundary of the hundred of Kuitpo; thence south-easterly through sections 749, 742, 758, 1022, 5, 6; between sections 349 and 452, 18 and 445, *via* town of Yaroona, and through sections 872, 875, to the east boundary of the district. Distance, about twelve miles; number on Schedule A, 20.

2. *Happy Valley Branch Main Road.*—Commencing at the Bull's Creek Main Road, in section 674, hundred of Noarlunga; thence north-westerly through sections 674, 273, and between sections 270 and 272; thence through sections 259, 258, 521, 517, 516, 515, 502; thence northerly between sections 501 and 502, and through sections 493, 516; thence between sections 474 and 475, 465 and 466, and through section 456 to the Main South Road, north of section 456. Distance, about five miles; number on Schedule A, 35.

Total length of main roads, about seventeen miles.

## CLINTON DISTRICT COUNCIL DISTRICT.

1. *Clinton Main Road.*—Commencing at Clinton Jetty, hundred of Clinton; thence westerly through the town of Clinton, along Cumberland Road, and generally north-westerly between sections 37 and 40, 379 and 489E, 491 and 548, passing the town of Howe, and along Wallaroo Road, to cross roads at section 432, hundred of Clinton. Distance, about eight miles; number on Schedule A, 208.

2. *Price Main Road.*—Commencing at Wills Creek Wharf, hundred of Cunningham; thence north-westerly through the town of Price, along Second Street, between sections 236 and 239, through sections 451, 454 and 477E, hundred of Clinton, to the west boundary of the hundred in section 480. Distance, about ten miles; number on Schedule A, 209.

3. *Moonta to Ardrossan Main Road.*—Commencing at the south boundary of the district, between sections 28 and 29, hundred of Tiparra; thence north-westerly to the town of Artherton, along Main Street; northerly between sections 102 and 103, 243 and 395; and north-westerly between sections 312 and 319, to  
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the north boundary of the district, between sections 165 and 166. Distance, about fifteen and a half miles; number on Schedule A, 205.

4. *Kainton to Mailand Main Road.*—Commencing at the south boundary of the district, between sections 22 and 27, hundred of Tiparra; thence north-easterly to the town of Artherton, along Main Street; northerly between sections 102 and 103; north-easterly between sections 41 and 39, 406 $\frac{1}{2}$  and 408, between sections 516 and 517, hundred of Clinton, to town of Kainton, section 438. Distance, about thirteen miles; number on Schedule A, 202.

5. *Kainton to Paskeville Main Road.*—Commencing at town of Kainton, section 438, hundred of Clinton; thence northerly, between sections 263 and 264, to the north boundary of the district, between sections 255 and 256. Distance, about two miles; number on Schedule A, 203.

6. *Mailand to Moonta Main Road.*—Commencing at the south boundary of the district, between sections 330 and 335, hundred of Tiparra; thence northerly between sections 200 and 201, 253 and 476, to the north boundary of the district, at the north-west corner of section 158. Distance, about twelve and a half miles; number on Schedule A, 197.

Total length of main roads, about sixty-one miles.

## COGLIN DISTRICT COUNCIL DISTRICT.

1. *Dawson and Oodla Wirra Main Road.*—Commencing at the intersection of High Street and Main Street, town of Dawson, hundred of Coglin; thence easterly along Main Street across the park lands; southerly between park lands and section 301; south-easterly between sections 147 and 279, 118 and 119; easterly between sections 120 and 86; southerly between sections 84 and 85sw; south-easterly between sections 76 and 25, and south-westerly between sections 23 and 26 to Oodla Wirra Railway Station. Distance, about nine and a half miles; number on Schedule A, 142.

2. *Ucolta and Parnaroo Main Road.*—Commencing at Ucolta Railway Station, hundred of Gumbowie; thence south-easterly between sections 74 and 82, 72 and 84, to the east boundary of the hundred, and southerly and south-easterly and easterly between sections 184 and 85s, 79 and 80, 53 and 74, hundred of Parnaroo, to the north-east corner of section 57. Distance, about twelve miles; number on Schedule A, 147.

3. *Nackara Main Road.*—Commencing at the Nackara Railway Station; thence between sections 135 and 122, 102 and 104, hundred of Nackara, to the north-west corner of section 99. Distance, about six miles; number on Schedule A, 146.

4. *Dawson and Petersburg Main Road.*—Commencing at the town of Dawson; thence westerly between sections 355 and 357, 156 and 155, 107 and 108, hundred of Coglin, to the west boundary of the district, between sections 53 and 104. Distance, about six and a half miles; number on Schedule A, 142.

5. *Petersburg and Cavenagh Main Road.*—Commencing on the Petersburg and Dawson Main Road, at section 101; thence between sections 106 and 107, 198 and 197, hundred of Coglin, to the north boundary of the hundred, between sections 247 and 248. Distance, about six miles; number on Schedule A, 143.

Total length of main roads, about forty miles.

## CRAFTERS DISTRICT COUNCIL DISTRICT.

1. *Greenhill Main Road.*—Commencing at the north-west corner of the district, in section 1052, hundred of Adelaide; thence south-easterly through sections 1054 and 931 to the east boundary of the hundred, in section 969; through sections 1 and 6, hundred of Onkaparinga, to Summerton; through sections 10 and 8 to Uraidla, between sections 126 and 1156 to Carey's Gully; thence to the east boundary of the district, between sections 32 and 129. Distance, about seven and a quarter miles; number on Schedule A, 14.

2. *Mount Lofty to Summertown Main Road.*—Commencing at the north corner of section 1162, hundred of Adelaide, along the west side of Mount Lofty; thence following portion of the east boundary of section 1161, through sections 1161 and 1172, hundred of Adelaide, and through sections 42 and 1, hundred of Onkaparinga, and along west boundary of section 1 to the Greenhill Road. Distance, about two miles; number on Schedule A, 15.

Total length of main roads, about nine and a quarter miles.

CRYSTAL



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## CRYSTAL BROOK DISTRICT COUNCIL DISTRICT.

1. *Redhill and Crystal Brook Main Road.*—Commencing at the south boundary of the district, between sections 123 and 124, hundred of Crystal Brook; thence northerly between sections 106 and 108, 97 and 340N, 84 and 86, 24 and 321, and north-easterly between sections 9 and 10 to the Crystal Brook Railway Station. Distance, about nine and a half miles; number on Schedule A, 134.

2. *Crystal Brook and Beetaloo Main Road.*—Commencing at the town of Crystal Brook, hundred of Crystal Brook; thence north-westerly and northerly between sections 517 and 524, 424 and 426 to the south boundary of the hundred of Napperby, between sections 1 and 2, and between sections 7 and 8 to the north boundary of the district at the north-east corner of section 10. Distance, about four and a quarter miles; number on Schedule A, 153.

3. *Gulnare South and Crystal Brook Main Road.*—Commencing at the east boundary of the district, between sections 772 and 73, hundred of Crystal Brook; thence north-westerly to the north corner of section 773; northerly to the east corner of section 756E, and north-westerly between sections 755 and 757, north-east of sections 720, 709, and 586 to Crystal Brook Railway Station. Distance, about four and three-quarter miles; number on Schedule A, 154.

Total length of main roads, about eighteen and a half miles.

## DALKEY DISTRICT COUNCIL DISTRICT.

1. *Balaklava and Cross Roads Main Road.*—Commencing at the south-east corner of section 312, hundred of Dalkey; thence northerly between sections 303 and 304, 268 and 254, and north-westerly between sections 179 and 180, 171 and 172, to the west boundary of the district, between sections 151 and 152. Distance, about seven miles; number on Schedule A, 116.

2. *Owen and Pinery Main Road.*—Commencing at the Owen Railway Station, hundred of Dalkey; thence westerly between sections 484 and 494, 326 and 328; south-westerly between sections 340 and 342, 423 and 425, to the south corner of section 429. Distance, about six miles; number on Schedule A, 119.

3. *Owen and Alma Main Road.*—Commencing at the Owen Railway Station, on the west boundary of section 68, hundred of Dalkey; thence north-easterly between sections 101 and 102 to the east boundary of the hundred. Distance, about one and three-quarter miles; number on Schedule A, 119.

Total length of main roads, about fourteen and three-quarter miles.

## DALRYMPLE DISTRICT COUNCIL DISTRICT.

1. *Stansbury and Minlaton Main Road.*—Commencing at Stansbury new jetty, section 208, town of Stansbury, hundred of Dalrymple; thence along Parade to First Street, easterly along First Street to Fourth Street, and northerly along Fourth Street, and between sections 216 and 217 to north boundary of the hundred; thence north-westerly, between sections 29 and 30, hundred of Ramsay, to the north boundary of the district between sections 162 and 174. Distance, about six and a half miles; number on Schedule A, 218.

2. *Stansbury to Peninsula Main Road.*—Commencing at the Stansbury old jetty, town of Stansbury, hundred of Dalrymple; thence along Parade to First Street; westerly along First Street and between sections 113 and 114; south-westerly to near Weaver's Lagoon, between sections 190 and 191, 337 and 338, 324 and 325, to Peninsula Main Road, between sections 311N and 317. Distance, about fourteen and a half miles; number on Schedule A, 219.

3. *Stansbury to Yorketown Main Road.*—Commencing at the north-east corner of section 119, hundred of Dalrymple; thence between sections 87 and 88, 79 and 83, to the south boundary of the hundred, between sections 34 and 35. Distance, about nine miles; number on Schedule A, 220.

4. *Minlaton to Yorketown Main Road.*—Commencing at the north boundary of the district, between sections 316 and 317, hundred of Dalrymple; then south-easterly, between sections 310 and 311s, 276 and 277, 266 and 361, to the south boundary of the district, between sections 282 and 283. Distance, about eight miles; number on Schedule A, 215.

Total length of main roads, about thirty-eight miles.

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## CORPORATE TOWN OF DAVENPORT.

1. *Port Augusta and Western Plains Main Road.*—Commencing on the south-western boundary of the corporate town, at the intersection with the North Main Road, hundred of Davenport; thence north-easterly along Carlton Parade to the boundary of the corporate town at the south-east corner of section 653. Distance, about ninety-two chains; number on Schedule A, 185.

2. *Port Augusta and Stirling North Main Road.*—Commencing on the western boundary of the corporate town, at Carlton Parade; thence south-easterly south of sections 7, 37, and 72; across the railway line and between sections 330 and 129, 316 and 155 to the eastern boundary of the corporate town at the east corner of section 176. Distance, about one hundred and fifteen chains; number on Schedule A, 167.

3. *Hospital Main Road.*—Commencing at the Port Augusta and Wilmington Main Road, at allotment 56; thence between sections 65 and 76 to south-east corner of allotment 92, near the hospital. Distance, about fifty chains; number on Schedule A, 168.

Total length of main roads, about three miles seventeen chains.

## DUBLIN DISTRICT COUNCIL DISTRICT.

1. *Adelaide and Port Wakefield Road.*—Commencing on the south boundary of the district, at the River Light, between sections 369 and 391, hundred of Port Gawler; thence north-westerly between sections 567 and 578, to the south boundary of the hundred of Dublin; between sections 38 and 39; thence between sections 317 and 319, past the town of Dublin, between sections 174 and 121, 498 and 2, 348 and 354, 376 and 359, to the northern boundary of the district, at the north-west corner of section 22. Distance, about seventeen and a half miles; number on Schedule A, 10.

Total length of main roads, about seventeen and a half miles.

## DUDLEY DISTRICT COUNCIL DISTRICT.

1. *Hog Bay to Kingscote Main Road.*—Commencing at the Hog Bay Jetty, town of Penneshaw, hundred of Dudley; thence along Bay Terrace, Middle Terrace, and Second Street; south-westerly between sections 106 and 113, 116 and 117, 287 and 288; southerly between sections 282 and 288; south-westerly between 308 and 309, 311 and 312; westerly to the east boundary of the hundred of Haines, between sections 51 and S; and north-westerly to the west boundary of the district, between sections 40A and 53. Distance, about eighteen and a half miles; number on Schedule A, 251.

2. *Hog Bay to Cape Willoughby Main Road.*—Commencing at the Queenscliffe Main Road, between sections 7 and 105, hundred of Dudley; then southerly between sections 107 and 108; then easterly through sections 98, 97, 95; then south-easterly between sections 82 and 83, to south-west corner of section 58. Distance, about twelve miles; number on Schedule A, 251.

3. *Hog Bay River Station Main Road.*—Commencing at the Hog Bay and Cape Willoughby Main Road, at the north corner of section 381, hundred of Dudley, and running between sections 66 and 380, 147 and 346, 154E and 150, 140 and 29, 121 and 122N, to the Kingscote and Hog Bay Road, at the north-west corner of section 118W. Distance, about fourteen miles; number on Schedule A, 252.

Total length of main roads, about forty-four and a half miles.

## EAST TORRENS DISTRICT COUNCIL DISTRICT.

1. *Norton's Summit Road.*—Commencing at the western boundary of the district; thence through sections 848, 913, 914, 854, 856, 1064, hundred of Adelaide, to Norton's Summit; through sections 1079, 1149, to the western boundary of the hundred of Onkaparinga; thence through sections 1197, 1198, 1199, and between 125, and 139, 135 and 160, 84 and 104, hundred of Onkaparinga, to the east boundary of the district, at the north corner of section 83. Distance, about eleven and a quarter miles; number on Schedule A, 11.

2. *Fifth Creek Main Road.*—Commencing at the western boundary of the district, between sections 304 and 830, hundred of Adelaide; thence south-easterly between sections 305 and part 828, to the Quarry Reserve. Distance, about one mile; number on Schedule A, 13.

3. *Marble*

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3. *Marble Hill Main Road.*—Commencing at the Norton's Summit and Lobethal Main Road, at section 928, hundred of Adelaide; thence between sections 927 and 1152, along the hundred boundary to Marble Hill; thence between sections 994, hundred of Adelaide, and 1192, hundred of Onkaparinga, 1164, hundred of Adelaide, and 1193, hundred of Onkaparinga, 836, hundred of Adelaide, and 5592, hundred of Onkaparinga, to section 835, hundred of Onkaparinga. Distance, about five miles; number on Schedule A, 16.

4. *Greenhill and Norton's Summit Main Road.*—Commencing at the Greenhill Main Road, between sections 3 and 40, hundred of Onkaparinga, 154 and 1157, hundred of Onkaparinga, 1149 and 1150, hundred of Adelaide, to the Norton's Summit Main Road, between sections 929 and 930, hundred of Adelaide. Distance, about two and a half miles; number on Schedule A, 17.

Total length of main roads, about nineteen and three-quarter miles.

## ECHUNGA DISTRICT COUNCIL DISTRICT.

1. *Aldgate and Nairne Road.*—Commencing at the north-western corner of the district, in section 3818, hundred of Kuitpo; thence south-easterly along boundary, between hundreds of Kuitpo and Onkaparinga, *via* Hahndorf, to the east boundary of the district, at the south-east corner of section 3827, hundred of Onkaparinga. Distance, about three and a quarter miles; number on Schedule A, 46.

2. *Ambleside and Hahndorf Road.*—Commencing at the intersection with Nairne Branch, in section 4001, hundred of Onkaparinga; thence northerly through sections 4098, 4099, to Woodside Main Road, in section 4101. Distance, about one and a quarter miles; number on Schedule A, 51.

3. *Meadows and Echunga Road.*—Commencing at the town of Echunga, section 3876, hundred of Kuitpo; thence southerly between sections 3861 and 3862; south-easterly through sections 3858 and 3847, between sections 343 and 344, 154 and 342; and southerly to the south boundary of the district at the south-east corner of section 3482. Distance, about five and a quarter miles; number on Schedule A, 45.

4. *Aldgate and Echunga Road.*—Commencing at the western boundary of the district, at the west boundary of section 3828, hundred of Kuitpo; thence south-easterly through section 3825, between sections 389 and 401, through sections 3894, 3892, 3887, and between sections 156 and 157, to the town of Echunga. Distance, about four and three-quarter miles; number on Schedule A, 18.

5. *Echunga to Mount Barker Road.*—Commencing in the town of Echunga, section 2876, hundred of Kuitpo; thence south-easterly and north-easterly through sections 3876, 3877, 3878, and between sections 171 and 173, to the eastern boundary of the hundred; thence between sections 182, hundred of Kuitpo, and 3704, hundred of Macclesfield, and through section 3703, to the east boundary of the district, at the south-east corner of section 3702. Distance about two and a half miles; number on schedule A, 43.

6. *Echunga to Hahndorf Main Road.*—Commencing on the Main South-Eastern Road, at south-west corner of section 3882, hundred of Macclesfield; thence between sections 3898 and 3899, 414 and 422, to the main road at Hahndorf, at the north corner of section 4233, hundred of Macclesfield. Distance, about five miles; number on Schedule A, 44.

Total length of main roads, about twenty-two miles.

## CORPORATE TOWN OF EDITHBURGH.

1. *Edithburgh to Yorketown Main Road.*—Commencing at the jetty, corporate town of Edithburgh, hundred of Melville; thence easterly along Edith Street, and north-westerly across park lands, to road between sections 127 and 132, and westerly to the west boundary of the town, between sections 410 and 145. Distance, about one hundred and eight chains; number on Schedule A, 215.

2. *Edithburgh to Honiton Main Road.*—Commencing at the main road, corner of Edith and Anstey Streets, corporate town of Edithburgh, hundred of Melville; thence easterly across park lands and between sections 135 and 136, to the west boundary of the town, between sections 144 and 145. Distance, about seventy-four chains; number on Schedule A, 224.

Total length of main roads, about one and a quarter miles.

ELLISTON

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## ELLISTON DISTRICT COUNCIL DISTRICT.

1. *Port Lincoln to Streaky Bay Main Road.*—Commencing at the south boundary of the district, between sections 183 and J, hundred of Way; thence northerly to the town of Sheringa, along Main Street; north-westerly, between sections 4 and 35, 25 and 208, 351 and W, to the north boundary of the hundred, in section 203; between sections 22 and 23, 16 and 33, 52 and 70, hundred of Ward, to the town of Elliston, along Beach Terrace to the jetty; thence northerly to the north boundary of the hundred, between sections 148 and 149E; between sections 2 and 3, 160 and 65s, hundred of Colton, to the north boundary of the hundred, between sections 137 and 139; between sections 6 and 7, hundred of Downer, to the town of Talia, along South-west Terrace; north-westerly through section 2 to the north boundary of the hundred; between sections 4 and 5, hundred of Wright, through pastoral lease 140 and north-westerly through block A4 to the north boundary of the district, between sections 14A and 14B. Distance, about seventy-five and a half miles; number on Schedule A, 240.

2. *Elliston Main Road to Mount Wedge.*—Commencing at the Elliston Main Road, north-east of section 327, hundred of Ward; thence north-easterly to the town of Bramfield, along South Terrace and Main Street; between sections 209 and 214 to the north boundary of the hundred, between sections 140 and 246, and between sections 4 and 5, 79 and 124, hundred of Talia, to Mount Wedge. Distance, about eighteen miles; number on Schedule A, 245.

3. *Elliston Main Road to Morley's Well.*—Commencing at the Elliston Main Road, between sections 46 and 70, hundred of Way; thence north-easterly to the east boundary of the hundred, between sections 76 and 78, and easterly, between sections 103 and 104, hundred of Pearce, to Morley's Well. Distance, about eleven miles; number on Schedule A, 244.

4. *Port Kenny Main Road.*—Commencing at the Streaky Bay Main Road, in section 15, hundred of Wright, to Port Kenny. Distance, about forty chains; number on Schedule A, 247.

5. *Parkin Main Road.*—Commencing at the 138th milepost on Port Lincoln and Streaky Bay Main Road, between sections 3 and 4, hundred of Wright, to Parkin, and along Matson Terrace and Bay Road to the jetty. Distance, about four and a half miles; number on Schedule A, 246.

Total length of main roads, about one hundred and nine and a half miles.

## ENCOUNTER BAY DISTRICT COUNCIL DISTRICT.

1. *Victor Harbor to Willunga Main Road.*—Commencing at the town of Port Victor, on the south-west boundary of section 16, hundred of Encounter Bay; thence north-easterly through sections 17 and 18, and across the Hindmarsh River and through sections 19, 20, 21, hundred of Goolwa; thence northerly between sections 21 and 22 and through section 2085, between sections 90 and 91, 1 and 2, and through sections 122, 44, 56, 148, to the east boundary of the district, between sections 129SE and 149. Distance, about eight miles; number on Schedule A, 36.

2. *Victor Harbor to Yankalilla Main Road.*—Commencing at the town of Port Victor, on the south-west boundary of section 16, hundred of Encounter Bay; thence south-westerly through section 15 and across the River Inman; westerly and north-westerly to the town of Newland, along Main Street, and through section 171; thence north-westerly between section 174A and quarry reserve, and through sections 213, 211, 228, and between sections 233 and 234, 236 and 238, through sections 239, 66, 247, 256, 259, 30; thence between sections 263 and 50 and through sections 264 and 265 to the west boundary of the district, in section 265. Distance, about eleven miles; number on Schedule A, 38.

Total length of main roads, about nineteen miles.

## ENGLISH DISTRICT COUNCIL DISTRICT.

1. *Eudunda and Burra Main Road.*—Commencing at the south boundary of the district, between sections 209 and 421, hundred of English; thence generally in a northerly direction between sections 196 and 430, 371 and 185, 176 and 182, 166 and 177, 150 and 151, 143 and 144 to the north boundary of the district between sections 115 and 214. Distance, about eleven and a half miles; number on Schedule A, 97.

Total length of main roads, about eleven and a half miles.

FRANKLIN

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## FRANKLIN HARBOR DISTRICT COUNCIL DISTRICT.

1. *Cowell to Cleve Main Road.*—Commencing at eastern end of Main Street, town of Cowell, hundred of Playford; thence westerly along Main Street, between sections 147 and 168, to the west boundary of the hundred, between sections 22 and 23; thence between sections 110 and 243, 115 and 116, hundred of Hawker, to the west boundary of the hundred, between sections 123 and 207, and generally in a westerly direction between sections 37 and 55, 40 and 122, 51 and 42E, 214 and 215, hundred of Mann, through the town of Cleve, and between sections 50 and 67, 54 and 63 to west boundary of hundred of Yadnarie, between sections C and D. Distance, about thirty-six miles; number on Schedule A, 226.

2. *Cowell to Miltalie Main Road.*—Commencing at the Cleve Main Road, between sections 168 and 169, hundred of Playford; thence north-westerly to the north boundary of the hundred, between sections 42 and 50; thence between sections 67s and 68, hundred of Minbrie, to the east boundary of the hundred, between blocks 1A and 1c; northerly, along boundary of hundred of Miltalie and through block 1D, hundred of Minbrie, to the west boundary of the hundred, between sections 34 and 35, hundred of Miltalie, and south-westerly to section 7. Distance, about thirteen and a half miles; number on Schedule A, 236.

3. *Cowell to Warren Main Road.*—Commencing at the town of Cowell, thence northerly east of sections 208, 213, and 46 to the south boundary of the hundred of Minbrie, at the south-west corner of section 6E; thence between sections 21 and 22, hundred of Minbrie, to the east boundary of the hundred, between sections 40 and 55. Distance, about twelve miles; number on Schedule A, 238.

4. *Mann and Boothby Main Road.*—Commencing at the Cowell to Cleve Main Road, between sections 41 and 320, hundred of Mann; thence south-westerly to the south boundary of the hundred, between sections 8s and 47, and between sections 146 and 285, hundred of Boothby, to the north corner of section 280; thence south-easterly between sections 33 and 39, 42 and 154, 63 and 65, to the Arno Bay to Cleve Road at section 78. Distance, about ten miles; number on Schedule A, 237.

5. *Arno Bay and Cleve Main Road.*—Commencing at the Arno Bay Jetty, through the town of Bligh, northerly between sections 186 and 187, 256 and 257, 70 and 78, 141 and 142, hundred of Boothby, and between sections 1 and 2, hundred of Mann, to the west boundary of the hundred; thence northerly, west of sections 12 and 34, hundred of Yadnarie, and between sections 166 and 167, to the north boundary of the town of Cleve. Distance, about sixteen and a half miles; number on Schedule A, 234.

6. *Arno Bay to Roberts Main Road.*—Commencing at the Arno Bay and Cleve road at the town of Bligh (Arno Bay), running between sections 272 and 273, and 276 and 277, hundred of Boothby, 6 and 8, 28 and 38, 29 and 32, hundred of Roberts. Distance, about eighteen miles; number on Schedule A, 235.

7. *Wilton Main Road.*—Commencing at the Cowell and Port Augusta Road at section 6E, hundred of Minbrie; thence along hundred boundary to south-east corner of section 1. Distance, about four and three-quarter miles; number on Schedule A, 239.

Total length of main roads, about one hundred and ten and a quarter miles.

## CORPORATE TOWN OF GAWLER.

1. *Lyndoch Valley Main Road.*—Commencing at the centre of Gawler Bridge, town of Gawler, hundreds of Mudla Wirra and Nuriootpa; thence northerly, easterly, and northerly along Murray Street to the intersection of the Lyndoch Road; thence easterly to the eastern boundary of the corporate town. Distance, about one and a quarter miles; number on Schedule A, 89.

2. *North Road and Redbanks Main Road.*—Commencing at the intersection of Lyndoch Road and Murray Street, town of Gawler, hundreds of Mudla Wirra and Nuriootpa; thence northerly along Murray Street to the intersection of Willaston Road; thence north-westerly to the centre of the Willaston Bridge. Distance, about one mile; numbers on Schedule A, 1 and 109.

Total length of main roads, about two and a quarter miles.

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## GAWLER SOUTH DISTRICT COUNCIL DISTRICT.

1. *Main North Road*.—Commencing at the north-west corner of section 1723, hundred of Munno Para; thence northerly along the eastern boundary of section 3246, and its production northerly for about fifty chains; thence easterly and north-easterly north of allotments 153, 151, and north-west of allotments 81, 89, and 100; thence northerly and easterly, east of allotments 57 and 58, and south of allotment 22, to the South Para River, at the east boundary of the district. Distance, about ninety chains; number on Schedule A, 1.

Total length of main roads, about ninety chains.

## GEORGETOWN DISTRICT COUNCIL DISTRICT.

1. *Gulnare South Railway Station to Crystal Brook Main Road*.—Commencing at the Gulnare South Railway Station, hundred of Bundaleer; thence westerly between sections 90 and 91, northerly between sections 91 and 391, 77 and 390, westerly between sections 389 and 390, 104 and 111s, 107 and 108 to the eastern boundary of the hundred of Narridy, between sections 45E and 46; thence between sections 5 and 55, 126 and 14, 181 and 17, 182 and 183, and across park lands to the town of Narridy; thence along Narridy Terrace and across park lands to the road east of sections 148 and 149, northerly to road south of sections 146, 147, westerly between sections 214 and 216, and north-westerly to the western boundary of the district at the south corner of section 38. Distance, about thirteen miles; number on Schedule A, 154.

2. *Gulnare South Railway Station to Spalding Main Road*.—Commencing at Gulnare South Railway Station, hundred of Bundaleer; thence easterly between sections 80 and 89E, 84 and 85, 12 and 39N, through sections 11, 10s, 9, 700, between sections 4 and 5, and through section 5 to the east boundary of the district. Distance, about six and a quarter miles; number on Schedule A, 156.

3. *Narridy to Georgetown Main Road*.—Commencing on Crystal Brook to Spalding Main Road at town of Narridy; thence between sections 119 and 120, 88 and 101, 342 and 352 to Georgetown Railway Station. Distance, about seven and a half miles; number on Schedule A, 155.

Total length of main roads, about twenty-six and three-quarter miles.

## GILBERT DISTRICT COUNCIL DISTRICT.

1. *Marrabel and Saddleworth Main Road*.—Commencing at the east boundary of the district at section 1600, hundred of Gilbert; thence north-westerly to the north boundary of the district, between sections 46 and 58. Distance, about two and a quarter miles; number on Schedule A, 124.

2. *Marrabel and Rhynie Main Road*.—Commencing at the Saddleworth Main Road in section 1600, hundred of Gilbert; thence south-westerly through section 1600 and between sections 1599 and 1600, 31 and 1599, 467 and 469; westerly between sections 465 and 504 to town of Riverton; thence between sections 460 and 500 to the west boundary of the district, between sections 550 and 558, at town of Rhynie. Distance, about ten and a half miles; number on Schedule A, 122.

3. *Giles' Corner to Tarlee Main Road*.—Commencing at Giles' Corner, on the west boundary of the district, between sections 96 and 781, hundred of Gilbert; thence south-easterly between sections 849 and 886, through sections 201, 210, and easterly through section 986 to Tarlee Railway Station. Distance, about four and a half miles; number on Schedule A, 73.

4. *Tarlee to Kapunda Main Road*.—Commencing at the Giles' Corner to Tarlee Main Road, in section 987, hundred of Gilbert; thence south-easterly through sections 987, 276, and between sections 275 and 277, 332 and 333; thence through section 1043 to the south-east boundary of the district at the north-east corner of section 339. Distance, about four and a quarter miles; number on Schedule A, 92.

5. *Tarlee and Gawler Main Road*.—Commencing at the Tarlee Railway Station, hundred of Gilbert; thence south-easterly along western boundary of the district, between sections 283 and 284, to the south boundary of the district, between sections 288 and 289. Distance, about one mile fifty chains; number on Schedule A, 73.

Total length of main roads, about twenty-three miles.

CORPORATE

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## CORPORATE TOWN OF GLADSTONE.

1. *Gladstone and Georgetown Main Road.*—Commencing at the south-west corner of section 172, hundred of Yangya, and running on the west side of sections 31, 32, and 38 to the south-west corner of section 39. Distance, about two miles; number on Schedule A, 166.

Total length of main roads, about two miles.

## CORPORATE TOWN OF GLENELG.

1. *Glenelg and Tapley's Hill Main Road.*—Commencing at the south-east corner of section 204, hundred of Noarlunga; thence westerly to Partridge Street; then northerly to south-west corner of section 184, hundred of Adelaide, and easterly to the boundary of the town. Distance, about three-quarters of a mile; number on Schedule A, 34.

2. *Brighton Main Road.*—Commencing at the southern boundary of the town, in Scarborough Street, then north to Pier Street. Distance, about thirty chains; number on Schedule A, 22.

Total length of main roads, about ninety chains.

## CORPORATE TOWN OF GOOLWA.

1. *Currency Creek and Goolwa Main Road.*—Commencing at the north boundary of the corporate town, between sections 2377 and 2397, hundred of Goolwa; thence south-easterly along Cadell Street to the railway station. Distance, about one mile; number on Schedule A, 20.

Total length of main roads, about one mile.

## GRACE DISTRICT COUNCIL DISTRICT.

1. *Paddy's Station Main Road.*—Commencing at the south boundary of the district, River Light, between sections 21 and 400, hundred of Grace; thence northerly to section 266, town of Mallala. Distance, about four and a half miles; number on Schedule A, 113.

2. *Nine-Mile Main Road.*—Commencing at south-east corner of section 266, town of Mallala, hundred of Grace; thence north-westerly between sections 267 and 274; thence northerly, between sections 267 and 268, to the north boundary of the district, between sections 509 and 510. Distance, about seven miles; number on Schedule A, 113.

3. *Red Banks Main Road.*—Commencing at the south-east corner of section 266, town of Mallala, hundred of Grace; thence easterly, between sections 59 and 60, 3 and 4, and southerly to the south boundary of the district, River Light, in section 4. Distance, about three and a half miles; number on Schedule A, 112.

Total length of main roads, about fifteen miles.

## HALL DISTRICT COUNCIL DISTRICT.

1. *Hoyleton and Leasingham Main Road.*—Commencing at the Hoyleton Railway Station, hundred of Hall; thence easterly to the east boundary of the district, between sections 107 and 111. Distance, about ninety chains; number on Schedule A, 132.

2. *Halbury and Auburn Main Road.*—Commencing at the Halbury Railway Station, hundred of Hall; thence north-easterly between sections 413 and 416, to the east boundary of the district, between sections 2076 and 2077. Distance, about two and three-quarter miles; number on Schedule A, 127.

Total length of main roads, about three miles seventy chains.

## HALLETT DISTRICT COUNCIL DISTRICT.

1. *Hallett and Jamestown Main Road.*—Commencing at the Hallett Railway Station, hundred of Hallett; thence north-westerly between sections 492 and 501, 489 and 495, to the western boundary of the district, between sections 485 and 493. Distance, about three miles; number on Schedule A, 137.

2. *Mount Bryan and Pilkimetiappa Main Road.*—Commencing at the south boundary of the district, between sections 608 and 609, hundred of Hallett; thence northerly

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northerly, easterly, and north-easterly between sections 615 and 616, 636 and 693, 634 and 644, 67 and 74, 72 and 73, 78 and 84, to the western boundary of the hundred of Tomkinson, between sections 229 and 230; thence easterly and south-easterly to the south-east corner of section 230. Distance, about fourteen and three-quarter miles; number on Schedule A, 107.

Total length of main roads, about seventeen and three-quarter miles.

**HAMILTON DISTRICT COUNCIL DISTRICT.**

1. *Main North Road*.—Commencing at the south boundary of the district, Maryvale Creek, between sections 1205, hundred of Gilbert, and 1204, hundred of Waterloo; thence northerly along boundary between hundreds of Gilbert and Waterloo, to the north boundary of the district, between sections 1089, hundred of Gilbert, and 1090, hundred of Waterloo. Distance, about eight and a quarter miles; number on Schedule A, 91.

2. *Marrabel to Saddleworth Main Road*.—Commencing at the Main North Road, between sections 1123 and 1129, hundred of Gilbert; thence westerly and north-westerly to the west boundary of the district, in section 1601. Distance, about two and a quarter miles; number on Schedule A, 124.

Total length of main roads, about ten and a half miles.

**HAMLEY DISTRICT COUNCIL DISTRICT.**

1. *Ral Ral Avenue*.—Commencing at River Murray; thence north-westerly to boundary of Renmark Irrigation District. Distance, about thirty chains; number on Schedule A, 85.

2. *Renmark Avenue*.—Commencing at River Murray; thence south-westerly along Renmark Avenue to boundary of Renmark Irrigation District. Distance, about thirty chains; number on Schedule A, 85.

Total length of main roads, about three-quarters of a mile

**HAMMOND DISTRICT COUNCIL DISTRICT.**

1. *Hammond to Willowrie Main Road*.—Commencing at the Hammond Railway Station, hundred of Coonatto; thence south-easterly through the town of Hammond, and between section 128 and park lands; easterly between sections 4 and 5g; southerly between sections 4 and 6 to the south boundary of the hundred; southerly between sections 120 and 121, hundred of Pinda, to the town of Amyton, and along West Terrace to the south boundary of the district, between sections 8 and 6g. Distance, about ten and a half miles; number on Schedule A, 182.

2. *Hammond to Wilmington Main Road*.—Commencing at the town of Hammond, hundred of Coonatto; thence south-westerly, between sections 3 and 22 to the south boundary of the hundred, between sections 1s and 2; thence between sections 116 and 117, hundred of Pinda, and between sections 97 and 126, hundred of Willochra, to the south boundary of the district, between sections 65 and 66. Distance, about eleven miles; number on Schedule A, 181.

3. *Bruce to Wilmington Main Road*.—Commencing at Bruce Railway Station, town of Bruce, hundred of Willochra; thence southerly and south-westerly through sections 234, 235, and between 157 and 529; westerly between sections 148 and 156; southerly between sections 148 and 149, 127 and 136; south-westerly between sections 120 and 121; and southerly between sections 102 and 103 to the south boundary of the district, between sections 20 and 37. Distance, about twelve miles; number on Schedule A, 183.

Total length of main roads, about thirty-three and a half miles.

**HANSON DISTRICT COUNCIL DISTRICT.**

1. *Farrell's Flat to Clare Main Road*.—Commencing at the Farrell's Flat Railway Station, hundred of Hanson; thence north-westerly, westerly, and south-westerly, between sections 429 and 390, and through sections 678, 671, 670, 716, 724, to the west boundary of the district, between sections 740 and 741. Distance, about four and a quarter miles; number on Schedule A, 135.

2. *Farrell's Flat and Booborowie Main Road*.—Commencing at the Farrell's Flat Railway Station, hundred of Hanson; thence northerly through sections 418, 421, 616, and between sections 613 and 683, 609 and 684; north-westerly through sections



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sections 689, 695, 931, and north-easterly and northerly, between sections 930 and 933, 470 and 1013, to the north boundary of the district, between sections 585 and 770. Distance, about twelve and a half miles; number on Schedule A, 136.

3. *Burra to Leighton Main Road.*—Commencing at the north-west corner of section 995, hundred of Hanson; thence easterly along the northern boundaries of sections 994 and 991 to the north-east corner of the latter section. Distance, about one and a half miles; number on Schedule A, 105.

Total length of main roads, about eighteen and a quarter miles.

## HAWKER DISTRICT COUNCIL DISTRICT.

1. *Phillips' Gap, or Warcorie Main Road.*—Commencing at the Railway Station, town of Hawker, hundred of Wonoka; thence along Third Street to railway crossing at Eighth Street; thence north-easterly along Eighth Street to Fifth Street, and south-easterly along Fifth Street, and between sections 220 and 221, to the eastern boundary of the hundred, between sections 234 and 242; thence easterly, between sections 52 and 53, 42 and 56 $\frac{1}{2}$ , hundred of Arkaba; north-easterly between sections 59s and 60, 69 and 71 to east boundary of the hundred, between sections 93 and 94 $\frac{1}{2}$ . Distance, about thirteen miles; number on Schedule A, 189.

2. *Wilpena Main Road.*—Commencing at the intersection of Eighth and Fifth Streets, town of Hawker, hundred of Wonoka; thence north-easterly along Eighth Street, and between sections 194 and 195, to the eastern boundary of the hundred, between sections 185 and 204; thence easterly between sections 78 and 318, hundred of Arkaba; north-easterly between sections 76 and 79, to the Stock Road, and north-easterly along Stock Road to the north boundary of the district, between sections 172 and 173. Distance, about thirteen miles; numbers on Schedule A, 190 and 191.

3. *Paralana Road.*—Commencing at the Wilpena Main Road, at south corner of section 129, hundred of Arkaba; thence north-easterly between sections 127w and 128, 142 and 143, to the east boundary of the district, between sections 168 and 150. Distance, about eight miles; number on Schedule A, 190.

4. *Hawker to Hookina (Yappala) Road.*—Commencing at the Railway Station, town of Hawker, hundred of Wonoka; thence north-westerly along west side of railway line, to the north corner of section 85; thence in a westerly and north-westerly direction, between sections 84 and 116 $\frac{1}{2}$ , through block 3, and between sections 135 and 137 to the west boundary of the hundred, between sections 140 and 141; thence between blocks E and F1, hundred of Barndioota, to the town of Hookina. Distance, about twelve miles; number on Schedule A, 192.

5. *Hookina and Hookina Railway Station Road.*—Commencing at the Hookina Railway Station (town of Wonoka), hundred of Wonoka; thence south-westerly between sections 128 and 145; south-westerly between sections 144 and 148, to the west boundary of the hundred, between sections 142 and 150, and between blocks F1 and G1, hundred of Barndioota, to the town of Hookina. Distance, about six miles; number on Schedule A, 193.

6. *Carrieton to Wilson Road.*—Commencing at the south boundary of the district, between sections 6 and 7, hundred of Wirreanda; thence northerly along Stock Road to the town of Cradock, along West Terrace; north-westerly through University Reserve, and between sections 43s and 50, to the west boundary of the district, between sections 44 and 45. Distance, about eight miles; number on Schedule A, 188.

7. *Yednalue Main Road.*—Commencing at the Wilson and Carrieton Main Road, town of Cradock; thence easterly through University reserve and between sections 51 and 34s, hundred of Wirreanda, 26 and 16, hundred of Yednalue, to the west boundary of section 19. Distance, about ten miles; number on Schedule A, 188.

Total length of main roads, about seventy miles.

## HIGHERCOMBE DISTRICT COUNCIL DISTRICT.

1. *Main North-Eastern Road.*—PART I.—Commencing at the west boundary of the district, in section 507, hundred of Yatala; thence north-easterly through sections 507, 2059, to the north-east corner of section 312. PART II.—Commencing at the west boundary of section 5513, hundred of Yatala; thence easterly, through

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through section 5513, to the eastern boundary of the district at Inglewood. Total distance (Parts I. and II.), about one and a quarter miles; number on Schedule A, 2.

2. *Main North-Eastern Road (South Branch).*—Commencing at the south boundary of the district, in section 510, hundred of Yatala; thence north-easterly through sections 510, 515, 813, 818, 821, 5626, 5608, 5404, 5518, and town of Houghton; thence through sections 5402, 5516 to junction with Main North-Eastern Road in section 5513. Distance, about seven and a half miles; number on Schedule A, 4.

3. *Dry Creek Branch.*—Commencing at the north-western corner of section 307, hundred of Yatala; thence easterly between sections 306 and 827, 824 and 829; thence through sections 830, 832, 5626, 5627 to north boundary of the district, in north-west corner of section 5631. Distance, about three and three-quarter miles; number on Schedule A, 6.

Total length of main roads, about twelve and a half miles.

## CORPORATE TOWN OF HINDMARSH.

1. *Adelaide and Port Adelaide Main Road.*—Commencing on the southern boundary of the corporate town, at the eastern corner of section 353, hundred of Yatala; thence north-westerly to the north-east corner of section 372. Distance, about one hundred and four chains; number on Schedule A, 27.

2. *Thebarton and Hindmarsh Main Road.*—Commencing on the southern boundary of the corporate town, at the south-east corner of section 372, hundred of Yatala; thence north-easterly to the north corner of section 353. Distance, about fifty-seven chains; number on Schedule A, 32.

3. *Kirkcaldy Beach Main Road.*—Commencing at Thebarton and Hindmarsh Main Road, in section 372, hundred of Yatala; thence westerly to the west boundary of the corporate town. Distance, about twenty-five chains; number on Schedule A, 26.

4. *Thebarton and Ovingham Road.*—Commencing at Port Adelaide, near the southern boundary of the corporate town, hundred of Yatala; thence north-easterly along Park Lands Road and Gilbert Street, to the east boundary of the corporate town. Distance, about seventy-six chains; number on Schedule A, 1.

Total length of main roads, about three miles forty-seven chains.

## HUTT AND HILL RIVERS DISTRICT COUNCIL DISTRICT.

1. *Clare to Brinkworth Main Road.*—Commencing at the south boundary of the district, between sections 59 and 60, hundred of Milne; thence northerly between sections 114 and 115, westerly between sections 115 and 3011, and north-westerly between sections 2298 and 3015 to the east boundary of the hundred of Hart, between sections 149 and 254; thence westerly between sections 238 and 521, 316 and 345, 373 and 400, 390 and 395 to the western boundary of the district, between sections 386 and 391. Distance, about fifteen and a half miles; number on Schedule A, 134.

Total length of main roads, about fifteen and a half miles.

## CORPORATE TOWN OF JAMESTOWN.

1. *Callowie and Yarcowie Main Road.*—Commencing at the western boundary of the corporate town, between sections 466 and 473; thence easterly through Jamestown, between sections 635 and 384, to the eastern boundary of the corporate town. Distance, about one hundred and forty chains; number on Schedule A, 138.

2. *Jamestown and Mannanarie Main Road.*—Commencing at the Jamestown Railway Station; thence north-easterly between sections 435 and 436, 415 and 369, to the northern boundary of the corporate town. Distance, about thirty chains; number on Schedule A, 151.

Total length of main roads, about two miles ten chains.

## JULIA DISTRICT COUNCIL DISTRICT.

1. *Eudunda Main Road.*—Commencing at north-east corner of section 277; thence between sections 327 and 328, 317 and 318 to south-east corner of section 307.

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307, hundred of Julia Creek. Distance, about four and a quarter miles ; number on Schedule A, 96.

Total length of main roads, about four and a quarter miles.

## CORPORATE TOWN OF KADINA.

1. *Kadina and Wallaroo Main Road.*—Commencing at the Kadina Railway Station hundred of Wallaroo ; thence north-westerly along Frances Terrace to the south-west corner of the town. Distance, about half a mile ; numbers on Schedule A, 198 and 201.

2. *Kadina and Ninnies Main Road.*—Commencing at the Kadina Railway Station, hundred of Wallaroo ; thence south-easterly along Frances Terrace and Railway Terrace to the south-east corner of the town. Distance, about half a mile ; number on Schedule A, 199.

3. *Kadina to Alford Main Road.*—Commencing at the Kadina Railway Station, hundred of Wallaroo ; thence north-easterly through the town of Kadina and across the park lands to the northern boundary of the town, between sections 965 and 966. Distance, about one and a quarter miles ; number on Schedule A, 200.

Total length of main roads, about two and a quarter miles.

## KADINA DISTRICT COUNCIL DISTRICT.

1. *Kadina to Wallaroo Main Road.*—Commencing at the south-western corner of corporate town of Kadina, section 983, hundred of Wallaroo ; thence north-westerly, between sections 478 and 644, 736 and 751, to the eastern boundary of the corporate town of Wallaroo, between sections 725 and 796. Distance, about three and a half miles ; number on Schedule A, 189.

2. *Kadina to Moonta Main Road.*—Commencing at the Kadina Railway Station, hundred of Wallaroo ; thence south-westerly, through sections 153B, 399, 5491, between sections 1327 and 1328, 1091 and 1092, 2 and 3 ; and through sections 1490, 963, to the corporate town of Moonta, between sections 962 and 965. Distance, about ten miles ; number on Schedule A, 197.

3. *Wallaroo to Alford Main Road.*—Commencing at the corporate town of Wallaroo, between park lands and section 934, hundred of Wallaroo ; thence north-easterly, between sections 910 and 911, to the north boundary of the district, between sections 908 and 909. Distance, about five and a half miles ; number on Schedule A, 196.

4. *Kadina to Alford Main Road.*—Commencing at the park lands, corporate town of Kadina, hundred of Wallaroo, between sections 965 and 966 ; thence north-easterly to the north boundary of the district, between sections 100 and 113, hundred of Kadina. Distance, about six miles ; number on Schedule A, 200.

5. *Cunliffe and Moonta Main Road.*—Commencing at the town of Cunliffe, hundred of Kadina ; thence westerly to the eastern boundary of the hundred of Wallaroo, between sections 1045 and 1046 ; thence between sections 1024 and 1025, 4 and 7, 1520 and 1521, to Moonta and Artherton Main Road. Distance, about seven and a half miles ; number on Schedule A, 207.

6. *Moonta to Artherton Main Road.*—Commencing at the corporate town of Moonta, in section 961, hundred of Wallaroo ; thence south-easterly, through sections 930, 954, and between sections 1501 and 1503, to the south boundary of the district, between sections 11 and 12. Distance, about four miles ; number on Schedule A, 205.

7. *Moonta to Mailand Main Road.*—Commencing at the corporate town of Moonta, in section 1795, hundred of Wallaroo ; thence south-easterly to the south boundary of the district, in section 1101A. Distance, about two miles ; number on Schedule A, 197.

8. *Ninnies Road.*—Commencing at the corporate town of Kadina, in section 159B, hundreds of Wallaroo and Kadina ; thence across railway line and through section 199, hundred of Kadina, and easterly between sections 389 and 391, 155 and 158, to the east boundary of the district, between sections 151 and 162. Distance, about eight and a half miles ; number on Schedule A, 199.

9. *Moonta to Moonta Bay Main Road.*—Commencing at the corporate town of Moonta, between sections 155 and 885, hundred of Wallaroo ; thence north-westerly to

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to the west boundary of the district, between sections 871 and 893. Distance, one and a quarter miles; number on Schedule A, 206.

Total length of main roads, about forty-eight and a quarter miles.

## KANYAKA DISTRICT COUNCIL DISTRICT.

1. *Quorn to Hundred of Kanyaka Main Road.*—Commencing at the north boundary of the corporate town of Quorn, hundred of Pichi Richi; thence northerly between sections 235 and 236, 28 and 29, 547 and 69, 533 and 532 to the south boundary of the hundred of Yarra between sections 100 and 131; thence generally in a northerly direction between sections 104 and 105, 111 and 114, 146 and block F3, and between sections 147, 151, 156, and water conservation reserve to the south boundary of the hundred of Wyacca; thence north-easterly between blocks D, E, F and sections 10 and 14 to the north corner of the latter section. Distance, about twenty and a half miles; number on Schedule A, 184.

2. *Wilson and Cradock Main Road.*—Commencing at Wilson Railway Station, hundred of Cudlamudla; thence easterly along First Street and between sections 177 and 182, 144 and 153, 133 and 146, and south-easterly between sections 128 and 132, 113 and 114 to the east boundary of the district at the south-east corner of section 113. Distance, about six and a half miles; number on Schedule A, 188.

Total length of main roads, about twenty-seven miles.

## CORPORATE TOWN OF KAPUNDA.

1. *Hamilton Main Road.*—Commencing at the south corner of section 1478, hundred of Kapunda; thence northerly along Mildred Street to the north boundary of the corporate town at the south-west corner of section 1470. Distance, about thirty chains; number on Schedule A, 91.

2. *Truro Main Road.*—Commencing at the south-west corner of section 1469, hundred of Kapunda; thence south-easterly along South Terrace and north-easterly along Elizabeth Street to the east boundary of the corporate town in section 1468. Distance, about forty-five chains; number on Schedule A, 90.

3. *Greenock Main Road.*—Commencing at the north-east corner of section 1400, hundred of Kapunda; thence south-westerly along Main Street to the south boundary of the corporate town at the north-west corner of section 1284. Distance, about forty chains; number on Schedule A, 1.

4. *Railway Main Road.*—Commencing at Main Street in section 1402, hundred of Kapunda; thence westerly to Kapunda Railway Station. Distance, about twenty chains; number on Schedule A, 90.

5. *Clare Road.*—Commencing at the south-east corner of section 1478, hundred of Kapunda; thence north-westerly between sections 1478 and 1401 to the west boundary of the corporate town at the south-west corner of section 1478. Distance, about forty chains; number on Schedule A, 92.

Total length of main roads, about two miles fifteen chains.

## KAPUNDA DISTRICT COUNCIL DISTRICT.

1. *Kapunda and Tarlee Main Road.*—Commencing at the western boundary of the corporate town of Kapunda between sections 1479 and 1489, hundred of Kapunda; thence north-westerly between sections 101 and 108, 107 and 115, 91 and 120, 25 and 124, and through section 126 to the west boundary of the district. Distance, about five miles; number on Schedule A, 92.

2. *Kapunda and Hamilton Main Road.*—Commencing at the north boundary of the corporate town of Kapunda between sections 1477 and 1470, hundred of Kapunda; thence northerly between sections 1471 and 1476, and through sections 1472, 1558, 1557, north-westerly between sections 1560 and 1561, 1572 and 1573, 37 and 65; thence northerly and north-westerly through sections 38, 1265, 1266, 1267, 1268, and between sections 54 and 62, 56 and 1207 to the north boundary of the district, in section 1204, hundreds of Kapunda and Waterloo. Distance, about eight miles; number on Schedule A, 91.

3. *Kapunda and Truro Main Road.*—Commencing at the north-east corner of the corporate town of Kapunda in section 1468, hundred of Kapunda; thence north-easterly through sections 1467, 1460, and south-easterly between sections

1460

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1460 and 1461, and between sections 1458 and 1513, 1521 and 160 to the bridge over the River Light at the south boundary of the district. Distance, about two miles; number on Schedule A, 90.

4. *Kapunda and Greenock Main Road.*—Commencing at the south boundary of the corporate town of Kapunda between sections 1403 and 1284; thence south-westerly between sections 1404 and 1405, and southerly through sections 1406 and 1412 to the bridge over River Light at the south boundary of the district. Distance, about one and a half miles; number on schedule A, 1.

5. *Kapunda and Stockport Main Road.*—Commencing on the Kapunda and Greenock Main Road at the north-east corner of section 1407, hundred of Kapunda; thence south-westerly through sections 1408, 1409, and westerly between sections 1409 and 1410, 1501 and 1502, 1499 and 1504 to the north-east boundary of the hundred of Light, at the north-east corner of section 10; thence north-westerly between sections 10 and 245, south-westerly between sections 262 and 10, north-westerly between sections 261 and 340, 260 and 328, 318 and 319, and south-westerly through sections 2402 and 2401; thence north-westerly between sections 300 and 2400, 315 and 316 to the Templers and Tarlee Main Road, at the west boundary of the district. Distance, about eight and three-quarter miles; number on Schedule A, 93.

6. *Greenock and Ford's Main Road.*—Commencing at the south-east boundary of the district between sections 397 and 406, hundred of Light; thence north-westerly between sections 397 and 403, 375 and 398 to Ford's Railway Station. Distance, about one and a half miles; number on Schedule A, 75.

7. *Railway Station Main Road.*—Commencing on the Greenock and Kapunda Main Road, at north-east corner of section 1403, hundred of Kapunda; thence to north-west corner of section 1403. Distance, about forty chains; number on Schedule A, 94.

Total length of main roads, about twenty-seven and a quarter miles.

## KENNION DISTRICT COUNCIL DISTRICT.

1. *Millicent and Lucindale Main Road.*—Commencing at the south boundary of the district at the south-west corner of section 12, hundred of Kennion; thence north-easterly between sections 11 and 12; north-westerly between sections 40 and 41, 54 and 58, across bridge to town of Furner, along Grice Street, and between sections 145s and 75, 150 and 151, 155 and 156; thence through sections 125 and 123NE to the north boundary of the hundred. Distance, about twelve miles; number on Schedule A, 303.

2. *Beachport and Furner Main Road.*—Commencing at the western boundary of the district at the north corner of section 63, hundred of Kennion; thence north-easterly between sections 6 and 91, 67 and 90, and south-easterly between sections 67 and 146, 59 and 69 to the Millicent and Lucindale Road at the north corner of section 58. Distance, about six and a half miles; number on Schedule A, 315.

3. *Robe and Gillap Main Road.*—Commencing at the western boundary of the district at the north-west corner of section 99, hundred of Kennion; thence easterly between sections 99 and 118 to Gillap. Distance, about half a mile; number on Schedule A, 313.

4. *Millicent and Kalangadoo Main Road.*—Commencing on the western boundary of the district, at the south-west corner of block 4, hundred of Riddoch; thence north-easterly between blocks 4 and 5A, and sections 106 and 104, and south-easterly between sections 107 and 108, 150 and 155, 143 and 144, 26 and 27 to the east boundary of the district at the north-east corner of section 12. Distance, about ten and three-quarter miles; number on Schedule A, 309.

Total length of main roads, about twenty-nine and three-quarter miles.

## CORPORATE TOWN OF KENSINGTON AND NORWOOD.

1. *Payneham Main Road.*—Commencing at the western boundary of the corporate town, between sections 255 and 256, hundred of Adelaide; thence north-easterly by about two-thirds width of road to Kent Terrace. Distance, about half a mile, of which the whole is two-thirds width of the road; number on Schedule A, 11.

2. *Magill*

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2. *Magill Main Road*.—Commencing at Kent Terrace, between sections 255 and 257, hundred of Adelaide; thence easterly by about half width of road to Kensington Terrace. Distance, about one mile, of which the whole is half width only; number on Schedule A, 11.

3. *Marryatville and Glen Osmond Road*.—Commencing at Kensington Road, between sections 275 and 290, hundred of Adelaide; thence southerly to the south boundary of the corporate town. Distance, about thirty chains; number on Schedule A, 33.

4. *Dequetteville Terrace*.—Commencing at north-west corner of section 262, hundred of Adelaide; thence north-westerly along Dequetteville Terrace to Payneham Road at north-west corner of section 255. Distance, about three-quarters of a mile; number on Schedule A, 19.

Total length of main roads, about two miles fifty chains, of which one mile is half width and half a mile two-thirds width.

## KINGSCOTE DISTRICT COUNCIL DISTRICT.

1. *Smith's Bay Main Road*.—Commencing at the south-western corner of section 74, hundred of Menzies; then between sections 96 and 99, 121 and 122, 326 and 125, to the west boundary of the hundred, between sections 320 and 322; thence between sections 150 and 147, 144 and 143, 109 and 108, 110 and 88, to the north-west corner of the latter section, hundred of Cassini. Distance, about sixteen and three-quarter miles; number on Schedule A, 254.

2. *Cygnat River and Cassini Main Road*.—Commencing at jetty, town of Kingscote, hundred of Menzies; thence westerly and south-westerly along Commercial Street to one-chain road between sections 4 and 5, 50 and 167, between sections 49c and 167, hundred of Menzies; thence south-westerly between sections 48 and 168, 43 and 2008, 24 and 25, 29 and 35, to the southern boundary of the hundred, between sections 31 and 32; thence between sections 38 and 39, 40 and 41, hundred of MacGillivray; 2 and 36, 43 and 169, hundred of Cassini, to the west boundary of the hundred of Cassini, at sections 160 and 164. Distance, about twenty-seven miles; number on Schedule A, 255.

3. *Hog Bay Main Road*.—Commencing at the Cygnat River Main Road, between sections 46 and 171, hundred of Menzies; thence south-westerly and southerly, between sections 13 and 15, to the north boundary of the hundred of Haines, between sections 142 and 141, 144 and 149, 155 and 156, to the east boundary of the district, between sections 39 and 62. Distance, about fifteen miles; number on Schedule A, 251.

4. *Emu Bay Main Road*.—Commencing at the township, of Maxwell, hundred of Menzies; thence southerly between sections 214 and 215, 106 and 107, to the south-east corner of section 115; thence south-easterly to join the Cygnat River Main Road, between sections 44 and 62. Distance, about nine and a half miles; number on Schedule A, 214.

5. *Haines and MacGillivray Boundary Road*.—Commencing at the north corner of section 132, hundred of Menzies; thence along the west boundary of the hundred to the south-west corner of section 172, hundred of Haines. Distance, about six miles; number on Schedule A, 253.

6. *MacGillivray Main Road*.—Commencing at the Cygnat River Main Road, between sections 22 and 27, hundred of Menzies; thence south-westerly through the hundred of MacGillivray, between sections 1 and 30, 24 and 49, 20 and 52 to the western boundary of the hundred. Distance, about fifteen miles; number on Schedule A, 256.

7. *Cygnat River Extension Main Road*.—Commencing at the Cygnat River and Cassini Road at section 40, hundred of MacGillivray; thence between sections 41 and 42 to the western boundary of the hundred. Distance, about one and a half miles; number on Schedule A, 257.

Total length of main roads, about ninety and three-quarter miles.

## KONDOPARINGA DISTRICT COUNCIL DISTRICT.

1. *Bull's Creek Main Road*.—Commencing at the west boundary of the district, in section 954, hundred of Kuitpo; thence south-easterly, through sections 955, 957, 960, 961, and between sections 117 and 122, through sections 3471 and 3475, 3479, to township of Meadows; southerly through sections 772 and 3319, to the

west

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west boundary of the hundred of Kondoparinga ; thence southerly, through sections 3309, 3302, 3296, 3283, 3273, 3263, and between sections 1811 and 1812 ; through section 2339 to town of Ashbourne ; through sections 2335, 2331, 2348, 2345, and between sections 1984 and 2005 to the south boundary of the district, between sections 1981 and 2007. Distance, about twenty miles ; number on Schedule A, 20.

2. *Lower Meadows Main Road.*—Commencing at the Bull's Creek Main Road, between sections 3475 and 3450, hundred of Kuitpo ; thence south-westerly, through sections 3474, 3469, 3464, 3409, 3456, and between sections 3454 and 246, to the western boundary of the district, in section 66. Distance, about six miles ; number on Schedule A, 58.

3. *Echunga Main Road.*—Commencing at the Bull's Creek Main Road, between sections 3487 and 3480, hundred of Kuitpo ; thence northerly, through section 3485, to the north boundary of the district, in section 3481. Distance, about one mile ; number on Schedule A, 45.

4. *Macclesfield Main Road.*—Commencing at the Bull's Creek Main Road, between reserves numbers 3 and 4, near town of Meadows, hundred of Kuitpo ; thence north-easterly through section 3320, and between sections 108 and 766 ; thence through section 106, and easterly to the east boundary of the district, in section 3323. Distance, about one and a half miles ; number on Schedule A, 57.

5. *Giles' Flat Main Road.*—Commencing at the Bull's Creek Road, between sections 1810 and 1899, hundred of Kondoparinga ; thence easterly, between sections 1901 and 1902, 1826 and 2257, to the east boundary of the district, between sections 1823 and 2257. Distance, about three miles ; number on Schedule A, 59.

Total length of main roads, about thirty-one and a half miles.

## KULPARA DISTRICT COUNCIL DISTRICT.

1. *Kainton and Paskeville Railway Station Main Road.*—Commencing at the south boundary of the district between sections 346 and 347, hundred of Kulpara ; thence northerly between sections 61 and 330, 39 and 46, 42 and 43 to the Paskeville Railway Station. Distance, about three and three-quarter miles ; number on Schedule A, 203.

2. *Paskeville Railway Station to Section 91, Hundred of Kulpara.*—Commencing at the Paskeville Railway Station, hundred of Kulpara ; thence northerly between park lands and section 13, sections 4 and 11, 77 and 78, and north-easterly between sections 80 and 89, 71 and 90 to the north boundary of the district at the east corner of section 90. Distance, about five and a half miles ; number on Schedule A, 204.

Total length of main roads, about nine and a quarter miles.

## LACEPEDE DISTRICT COUNCIL DISTRICT.

1. *Robe and Cantara Main Road.*—Commencing at White Hut, in section 38, hundred of Duffield ; thence southerly between sections 5 and 14, to the south boundary of the hundred, between sections 1 and 8 ; thence southerly, between sections 519 and 521, hundred of Lacepede, and through sections 517, 515, 513, 510 to Kingston Railway Station ; thence through sections 507, 505, 504 to the south boundary of the hundred, between sections 15 and 465 ; thence southerly, between sections 83 and 116, hundred of Mount Benson, 80 and 84, 30 and 31 to the south boundary of the district, between sections 15 and 16. Distance, about thirty-two miles ; number on Schedule A, 310.

2. *Kingston to Murrabinna Main Road.*—Commencing at the Robe Main Road, in section 509, hundred of Lacepede ; thence south-easterly through the park lands, and between sections 234 and 284, 259 and 264, and north-easterly between sections 440 and 441 to the east boundary of the hundred, between sections 434E and 443N. Distance, about seven miles ; number on Schedule A, 311.

3. *Murrabinna Station Road.*—Commencing on the Kingston and Murrabinna Main Road, at the south-western corner of section of section 441, hundred of Lacepede, between sections 28 and 444, across the hundred boundary to the three-chain road running through section 1, hundred of Murrabinna. Distance, about five miles ; number on Schedule A, 312.

Total length of main roads, about forty-four miles.

CORPORATE

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## CORPORATE TOWN OF LAURA.

1. *Wirrabara Main Road*.—Commencing at the railway station gate, north entrance to station yard, in Hughes Road; thence along said road and Hughes Street to Herbert Street, and northerly along Herbert Street and Mill Street to the north boundary of the corporate town, between sections 153 and 160, hundred of Booyoolie. Distance, about one mile; number on Schedule A, 167. (Not to be regarded as a main road one year after completion of Booleroo Centre railway.)

2. *Appila-Yarrowie Main Road*.—Commencing at the eastern end of Hughes Street; thence along East Terrace to North Terrace, and along Appila Road to the north boundary of the corporate town, between sections 168 and 171, hundred of Booyoolie. Distance, about three-quarters of a mile; number on Schedule A, 165.

Total length of main roads, about one and three-quarter miles, including No. 1.

## LINCOLN DISTRICT COUNCIL DISTRICT.

1. *Main North Road*.—Commencing at the new jetty, town of Port Lincoln, hundred of Lincoln; thence through part of Gawler Terrace, Horrock, Queen and Stevenson Streets, along Liverpool Street, and north-westerly along Hallett Place, and northerly along Baudin Place to allotment 64; along Freycinet Terrace and east side of sections 15, 20, 25, 103 to the south boundary of the hundred of Louth; thence between sections 105 and 189, 118 and 119, 130 and 131, 245 and 246 to the south boundary of Tumby Bay District, at north-east corner of section 361. Distance, about nineteen and a half miles; number on Schedule A, 225.

2. *Louth and Koppio Main Road*.—Commencing at the Louth Bay Jetty, then between sections 271 and 277, hundred of Louth; thence westerly between sections 174 and 178, 216 and 218; northerly between sections 201 and 202, to the south boundary of Tumby Bay District, between sections 307 and 308. Distance, about nine and a half miles; number on Schedule A, 227.

3. *West Main Road*.—Commencing at the Main North Road, town of Port Lincoln, hundred of Lincoln; thence south-westerly, through sections 11 and 180, and between sections 351 and 352, 423 and 433; north-westerly, between sections 304 and 305, 107 and 108, to the east boundary of the hundred of Uley, between sections 8 and 9; thence to the south boundary of the hundred of Wanilla, between sections 2 and 3, and between blocks 3B and 7, to the east boundary of the hundred of Lake Wangary, between sections 14 and 270; thence through sections 507, 524, 195, to the south boundary of the hundred of Warrow, between sections 124 and 126, and northerly, between sections 141 and 143, to the town of Coultas; along Price Street, and between sections 81 and 83, 99 and 100, to the south boundary of the hundred of Ulipa, between sections 73 and 74; thence between sections 52 and 82, 26 and 1A, to the south boundary of the hundred of Kiana; between sections 34 and 44, 79 and 80, 102 and 103, and along east side of Lake Hamilton, through blocks 39 and 38, to the north boundary of the district, between section 1 and block 38. Distance, about seventy-three miles; number on Schedule 240.

4. *Mount Dutton Bay to Coultas*.—Commencing at the Mount Dutton Bay Jetty, south of section 231, hundred of Lake Wangary; thence northerly, between sections 213 and 214, to the south boundary of the hundred of Warrow, between sections 123 and 124; and thence to the West Main Road, between sections 127 and 129. Distance, about three and three-quarter miles; number on Schedule A, 241.

5. *Wangary to Dutton Main Road*.—Commencing at the south corner of section 524, hundred of Lake Wangary; thence north-westerly, *via* town of Wangary, and between sections 181 and 182, 221 and 238, to Mount Dutton Bay Main Road, between sections 219 and 233. Distance, about three miles; number on Schedule A, 205.

6. *Ulipa and Cummins Main Road*.—Commencing on the Port Lincoln and Streaky Bay Main Road, at the north-west corner of section 8, hundred of Ulipa, and between sections 4 and 7N, hundred of Ulipa, 11 and 10, hundred of Cummins, 3 and 17sw, through section 2, to the east boundary of the hundred of Cummins. Distance, about twenty-three miles; number on Schedule A, 243.

Total length of main roads, about one hundred and thirty-one and three-quarter miles.

LUCINDALE



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## LUCINDALE DISTRICT COUNCIL DISTRICT.

1. *Millicent Main Road*.—Commencing at Lucindale Railway Station, hundred of Joyce; thence southerly through town of Lucindale, along Main Street south, and between sections 166 and 167, 38 and 39; westerly, between sections 47 and 353, to the east boundary of hundred of Conmurra, between sections 93 and 94; thence south-westerly and southerly, through sections 95, 99, block 3, *via* Crower Head Station, and between sections 42 and 56 23 and 24, to the boundary of the hundred, between sections 5 and 7; thence between sections 61 and 62, hundred of Fox, to the boundary of the district, sections 32 and 34, hundred of Fox. Distance, about twenty-three miles; number on Schedule A, 304.

2. *Lucindale to Ardune*.—Commencing at town of Lucindale, hundred of Joyce; thence westerly, along north side of railway line, to Ardune Railway Crossing. Distance, about three miles; number on Schedule A, 306.

3. *Joyce Main Road*.—Commencing on the Lucindale and Millicent Main Road, at the south-east corner of section 38, hundred of Joyce; thence between sections 56 and 57 to the north-east corner of section 70. Distance, about four and a half miles; number on Schedule A, 305.

Total length of main roads, about thirty and a half miles.

## MACCLESFIELD DISTRICT COUNCIL DISTRICT.

1. *Macclesfield and Bugle Ranges Main Road*.—Commencing at the south end of Davenport Square, town of Macclesfield, hundred of Macclesfield; thence north-easterly along Pavin Street and through sections 2912, 2823, 2819, and 2820; thence northerly, easterly, and north-easterly through sections 2808 and 2809; easterly through sections 2811, 2812, and 2813, and northerly through sections 2800 and 2856, to Bugle Ranges Railway Station. Distance, about four and a half miles; number on Schedule A, 57.

2. *Mount Barker and Hartley Main Road*.—Commencing at the north-east corner of the district, at the north-west corner of section 2873, hundred of Strathalbyn; thence south-easterly through sections 2873, 2872, and between sections 1401 and 1402, to the west corner of section 1403. Distance, about one and a half miles; number on Schedule A, 53.

3. *Macclesfield and Meadows Main Road*.—Commencing at the south end of Davenport Square, town of Macclesfield, hundred of Macclesfield; thence westerly along Todd Street, and between sections 2826 and 2827, 3348 and 3349; southerly between sections 3347 and 3348; south-easterly between sections 2953 and 2958; thence easterly between sections 2953 and 2957, 13 and 14, through sections 3330 and 3323, to the west boundary of the district. Distance, about four miles; number on Schedule A, 57.

Total length of main roads, about ten miles.

## CORPORATE TOWN OF MAITLAND.

1. *Maitland and Moonta Main Road*.—Commencing at the intersection of Robert and Elizabeth Streets; thence northerly to Rogers Terrace, and north-westerly to the north-west corner of the corporate town. Distance, about forty chains; number on Schedule A, 197.

2. *Maitland and Arthurton Main Road*.—Commencing at the intersection of Robert Street and Rogers Terrace; thence northerly to the north-eastern boundary of the corporate town. Distance, about ten chains; number on Schedule A, 202.

3. *Maitland and Ardrossan Main Road*.—Commencing at the intersection of Robert and Elizabeth Streets; thence south-easterly along Elizabeth Street to the south-eastern boundary of the corporate town. Distance, about thirty chains; number on Schedule A, 210.

4. *Maitland and Port Victoria Main Road*.—Commencing at the intersection of Robert and Elizabeth Streets; thence southerly along Robert Street to Gardiner Terrace; and south-westerly to the south-western boundary of the corporate town. Distance, about twenty-five chains; number on Schedule A, 210.

Total length of main roads, about one mile twenty-five chains.

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## MANNUM DISTRICT COUNCIL DISTRICT.

1. *Mannum and Caurnamont Main Road.*—Commencing at the town of Mannum, hundred of Finniss; thence north-easterly between sections 286 and 207, 288 and 147, 295 and 152, 456 and 165, 580 and 584, 14B and 513, 464 and 188, to the north-eastern boundary of the district, at the south-east corner of section 189. Distance, about eight miles; number on Schedule A, 62.

2. *Mannum and Palmer Main Road.*—Commencing at the town of Mannum, hundred of Finniss; thence south-westerly through sections 114, 518; north-westerly between sections 122 and 365, 382 and 357, 380 and 354, 367 and 81, 543 and 77, to the west boundary of the district, between sections 25 and 76. Distance, about eight miles; number on Schedule A, 2.

3. *Mannum and Murray Bridge Main Road.*—Commencing at the Mannum and Palmer Main Road, between sections 357 and 611, hundred of Finniss; thence south-westerly between sections 346 and 608, 108 and 597; southerly between reserve and section 604; south-easterly between sections 603 and 355, and southerly between sections 336 and 338, 324 and 326w, to the south boundary of the district, between sections 319 and 320. Distance, about seven and a quarter miles; number on Schedule A, 82.

4. *Rhine Villa Main Road.*—Commencing on the Mannum and Palmer Main Road, in section 518, hundred of Finniss; thence between sections 120 and 131, 127 and 226, 473 and 383, 406 and 407, to the north boundary of the hundred, between sections 436 and 238. Distance, about eleven miles; number on Schedule A, 67.

Total length of main roads, about thirty-four and a quarter miles.

## MARION DISTRICT COUNCIL DISTRICT.

1. *Main South Road.*—Commencing at the bridge at River Sturt, between sections 77 and 78, hundreds of Adelaide and Noarlunga; thence southerly and south-westerly, through sections 122, 125, 128, 130, 456, 518, hundred of Noarlunga, to the south-east corner of the district, in section 510. Distance, about five miles; number on Schedule A, 23.

2. *Glenelg and Tapley's Hill Road.*—Commencing at the Main South Road at Darlington, section 122, hundred of Noarlunga; thence northerly and north-westerly, through sections 122, 121, 142, 179, 211, to the west boundary of the district, in section 214. Distance, about three and three-quarter miles; number on Schedule A, 34.

Total length of main roads, about eight and three-quarter miles.

## MELVILLE DISTRICT COUNCIL DISTRICT.

1. *Edithburgh to Honiton Main Road.*—Commencing at the corporate town of Edithburgh, between sections 146 and 151, hundred of Melville; thence south-westerly, between sections 237 and 239, to the township of Honiton. Distance, about four and a half miles; number on Schedule A, 224.

2. *Edithburgh to Minlaton Main Road.*—PART I.—Commencing at the corporate town of Edithburgh, hundred of Melville, between sections 119 and 146; thence westerly between sections 204 and 208 and north-westerly, between sections 253 and 261s, 88 and 286, to corporate town of Yorketown, between sections 87 and 287. PART II.—Commencing at the corporate town of Yorketown, hundred of Melville, between sections 85 and 509; thence north-easterly to the north boundary of the district, between sections 83 and 538. Total distance, about nine and a half miles; number on Schedule A, 215.

3. *Yorketown to Warooka Main Road.*—Commencing at the corporate town of Yorketown, hundred of Melville, between sections 84 and 86; thence westerly, between sections 71 and 72, 62 and 63, to the east boundary of the hundred of Moorowie; thence westerly and northerly, between sections 45 and 47, 44 and 46, 91 and 95, to the west boundary of the district, between blocks A and B. Distance, about seven and a half miles; number on Schedule A, 222.

4. *Yorketown and Stansbury Main Road.*—Commencing at the Yorketown Corporation boundary; thence between sections 417 and 287, hundred of Melville, 493 and 585, 279w and 297, hundred of Melville; thence north-easterly to the north

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north boundary of the district, between sections 298 and 299. Distance, about four and a half miles; number on Schedule A, 220.

5. *Lake Fowler Main Road*.—Commencing on the Edithburgh and Yorketown Main Road, at section 261s, hundred of Melville; thence between sections 109 and 110 to the south-west corner of section 102. Distance, about four miles; number on Schedule A, 216.

Total length of main roads, about thirty miles.

## MENINGIE DISTRICT COUNCIL DISTRICT.

1. *Tailem Bend Main Road*.—Commencing at the south boundary, hundred of Malcolm, at the south-east corner of section 239; thence east of sections 123, 83, 604, 582, 263, hundred of Malcolm, section 218, hundred of Seymour, along travelling stock reserve to Tailem Bend Railway Station. Distance, about twenty-six miles; number on Schedule A, 261.

2. *Cooke's Plains Main Road*.—Commencing at the Cooke's Plains Railway Station; thence through sections 12, 13, 14, 16, and 25, hundred of Coolinong, to the north-west corner of section 32. Distance, about two miles; number on Schedule A, 260.

3. *Salt Creek Main Road*.—Commencing at the 38th milepost from Meningie, hundred of Santo, on the Coorong Road; thence across Salt Creek to the 39th milepost. Distance, about one mile; number on Schedule A, 259.

Total length of main roads, about twenty-nine miles.

## MILLICENT DISTRICT COUNCIL DISTRICT.

1. *Mount Gambier Main Road*.—Commencing at the post office, corner of George and Glen Streets, town of Millicent, hundred of Mount Muirhead; thence south-easterly along George Street and between sections 552 and 553, to the north boundary of the hundred of Mayurra, between sections 124 and 202; thence between sections 121 and 201, 193 and 629, 552 and 84, to the east boundary of the hundred, between sections 20 and 78 to boundary of district, between sections 24 and 25. Distance, about nine miles; number on Schedule A, 242.

2. *Kalangadoo Main Road*.—Commencing at post office, corner of George and Glen Streets, town of Millicent, hundred of Mount Muirhead; thence north-westerly along George Street to bridge at main drain 30, and north-easterly, between sections 198 and 574, 389 and 650, 393w and 654, 107 and 110, to the east boundary of district, between sections 109 and 121. Distance, about five and a half miles; number on Schedule A, 243.

Total length of main roads, about fourteen and a half miles.

## MINLATON DISTRICT COUNCIL DISTRICT.

1. *Minlaton to Mailand Main Road*.—Commencing at the corner of Main and Fourth Streets, town of Minlaton, hundred of Minlacowie; thence northerly along Main Street, and between sections 165 and 166, to the south boundary of the hundred of Koolywurtie; between sections 3 and 4, and between sections 33 and 34, to the north boundary of the district, between sections 59 and 81. Distance, about nine and three quarter miles; number on Schedule A, 215.

2. *Minlaton to Edithburgh Main Road*.—Commencing at the corner of Main and Fourth Streets, town of Minlaton, hundred of Minlacowie; thence southerly along Main Street, and between sections 128 and 129, 40 and 98, to the south boundary of the district, between sections 3s and 6. Distance, about nine miles; number on Schedule A, 215.

3. *Minlaton to Stansbury Main Road*.—Commencing at the corner of Main and Fourth Streets, town of Minlaton, hundred of Minlacowie; thence south-easterly along Fourth Street, and between sections 188 and 191, 80 and 85NE, to the west boundary of the hundred of Ramsay; between sections 123 and 148, and between sections 155 and 164, to the south boundary of the district, between sections 162 and 174. Distance, about nine and a half miles; number on Schedule A, 218.

4. *Port Minlacowie Main Road*.—Commencing at the western corner of section 42w, and running westerly between sections 34 and 59, hundred of Minlacowie, to the south-western corner of section 25; then northerly to the Port Minlacowie Jetty. Distance, about four and a half miles; number on Schedule A, 221.

5. *Minlaton*

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5. *Minlaton to Curramulka Main Road.*—Commencing at the town of Minlaton hundred of Minlacowie; thence north-easterly, between sections 169 and 178, 74 and 75, to south boundary of the hundred of Koolywurtie, between sections 7 and 9; thence to the west boundary of the hundred of Curramulka, between sections 31 and 32, 55 and 60w, to corner of Main Street and Reserve Terrace, town of Curramulka. Distance, about eight and a half miles; number on Schedule A, 217.

6. *Curramulka to Port Vincent Main Road.*—Commencing at the corner of Main Street and Reserve Terrace, town of Curramulka, hundred of Curramulka; thence south-easterly along Reserve Terrace, and between sections 53 and 54s, 25s and 26, to the north boundary of the hundred of Ramsay, between sections 85 and 86; thence between sections 89s and 78, 3 and 5, to Port Vincent Jetty. Distance, about twelve miles; number on Schedule A, 213.

7. *Port Rickaby Main Road.*—Commencing on the Minlaton and Maitland Main Road, at section 41, hundred of Koolywurtie; thence westerly to south-west of section 37, between sections 36s and 37, 36N and 36s, to the Port Rickaby Jetty. Distance, about seven miles; number on Schedule A, 214.

Total length of main roads, about sixty and a quarter miles.

## MITCHAM DISTRICT COUNCIL DISTRICT.

1. *Mount Barker Main Road.*—Commencing at the north-east corner of the district, in section 894, hundred of Adelaide; thence south-easterly, through section 894 and between 1062 and 1077; thence north-easterly, between sections 1070 and 1288, 1284 and 1285, and through sections 1285, 1003, 1287, to the east boundary of the district, at the north-east corner of section 1287. Distance, about three miles; number on Schedule A, 18.

2. *Main South Road.*—Commencing at the north-west corner of the district, between sections 48 and 52, hundred of Adelaide; thence southerly between sections 44 and 56, 63 and 2100; and south-westerly, through sections 64 and 63, to the west boundary of the district, in section 77. Distance, about four miles; number on Schedule A, 23.

3. *Unley and Belair Main Road.*—Commencing at the north boundary of the district, between sections 235 and 244, hundred of Adelaide; thence southerly between sections 232 and 247, and through sections 100 and 1075; thence south-easterly and westerly through sections 1146; easterly through section 1147 and 1142; southerly between sections 1124 and 1144, through sections 878, 874, between sections 936 and 2206, through sections 2206, 871, 868, 867, to the south boundary of the district, in section 866, on River Sturt. Distance, about seven miles; number on Schedule A, 20.

Total length of main roads, about fourteen miles.

## MOBILONG DISTRICT COUNCIL DISTRICT.

1. *Murray Bridge to Mannum Main Road.*—Commencing at the west side of Murray Bridge, hundred of Mobilong; thence south-westerly along Bridge Street to north-east corner of section 72, hundred of Mobilong; then to south-east corner of section 74, east of section 74 and along Railway Terrace and Railway Parade, crossing railway line at section 76; north-westerly to section 318; and northerly between sections 295 and 296, 186 and 468, 20 and 472; thence north-westerly between sections 146 and 147, 132 and 134, to the north boundary of the district, between sections 124 and 135. Distance, about eleven miles; number on Schedule A, 82.

2. *Monarto to Palmer and Mannum Main Road.*—Commencing at the west boundary of the district, between sections 118 and 126, hundred of Mobilong; thence easterly and northerly to the north boundary of the district, between sections 116 and 117. Distance, about one and a quarter miles; number on Schedule A, 81.

Total length of main roads, about twelve and a quarter miles.

## MONARTO DISTRICT COUNCIL DISTRICT.

1. *Callington Main Road.*—PART I.—Commencing at the south-west corner of the district, at the Junction Bridge, over Bremer River, section 2012A, hundred of Monarto; thence north-easterly, through sections 2012A and 2014A, and west of section

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section 2015A, to the north-west corner of section 2500. PART II.—Commencing at section 2016A; thence westerly, through town of East Callington, to the western boundary of the district, at the Callington Bridge, River Bremer. Total distance (parts I. and II.), about two and three quarter miles; number on Schedule A, 56.

2. *Monarto South to Palmer Main Road*.—Commencing at the Monarto Railway Station, between sections 259 and 298, hundred of Monarto; thence northerly, between sections 42 and 43, 224 and 235, 334 and 448, 354 and 359, 347 and 365, to the north boundary of the district, between sections 345 and 367. Distance, about ten miles; number on Schedule A, 81.

Total length of main roads, about twelve and three-quarter miles.

## CORPORATE TOWN OF MOONTA.

1. *Maitland and Moonta Main Road*.—Commencing at the corner of Blanche and Blyth Terraces, town of Moonta, hundred of Wallaroo; thence south-westerly along Blanche Terrace to Milne Terrace. Distance, about thirty chains; number on Schedule A, 197.

2. *Moonta Jetty Main Road*.—Commencing at the corner of Blanche Terrace and George Street, town of Moonta, hundred of Wallaroo; thence north-westerly along George Street, westerly across the park lands to the north-western boundary of the corporate town. Distance, about seventy chains; number on Schedule A, 206.

Total length of main roads, about one and a quarter miles.

## MORGAN DISTRICT COUNCIL DISTRICT.

1. *Morgan to Florieton Main Road*.—Commencing at the town of Morgan, hundred of Eba; thence north-westerly between sections 77 and 78, east of section 137, to the north boundary of the hundred. Distance, about five miles; number on Schedule A, 101.

2. *Mount Mary to Florieton Main Road*.—Commencing at Mount Mary Railway Station, town of Krichauff, hundred of Krichauff; thence northerly, between section 255 and Railway Reserve, and between sections 66 and 67, 107 and 108, to the north boundary of the hundred. Distance, about nine and a half miles; number on Schedule A, 99.

3. *Mount Mary to Brownlow Main Road*.—Commencing at the town of Krichauff, hundred of Krichauff; thence southerly, between sections 209 and 210, hundred of Krichauff, 24 and 25, 151 and 152, hundred of Brownlow, to the south-west corner of section 123. Distance, about five miles; number on Schedule A, 100.

4. *Renmark Main Road*.—Commencing at the town of Morgan, hundred of Eba; thence north-easterly across Burra Creek, and between sections D and E, hundred of Stuart, to south-west corner of section G. Distance, about five miles; number on Schedule A, 102.

Total length of main roads, about twenty-four and a half miles.

## MORPHETT VALE DISTRICT COUNCIL DISTRICT.

1. *South Main Road*.—Commencing at the northern boundary of the district, in section 524, hundred of Noarlunga; thence south-westerly through said section, and sections 523, 537, 536, 548, and 594, and southerly between sections 609 and 610, 639 and 640, to the southern boundary of the district, between sections 6 and 7. Distance, about four miles; number on Schedule A, 23.

Total length of main roads, about four miles.

## MOUNT BARKER DISTRICT COUNCIL DISTRICT.

1. *Aldgate and Nairne Road*.—Commencing at the west boundary of the district, between section 2963 and reserve, hundred of Macclesfield; thence easterly, between sections 3826 and 4484, *via* towns of Littlehampton and Blakiston, through sections 3827 and 4433, to the east boundary of the district, between sections 4432 and 4499. Distance, about four and a half miles; number on Schedule A, 46.

2. *Aldgate and Wellington Road*.—Commencing at Nairne Main Road, between sections 4484 and 4486, hundred of Macclesfield; thence south-easterly to town of

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of Mount Barker, along Hack Street, and through sections 4471, 4464, 2910, 2900, 2886, to the west boundary of the hundred of Strathalbyn; thence south-easterly, through section 2884, to the south boundary of the district, at the south-east corner of section 2878. Distance, about six miles; number on Schedule A, 53.

3. *Mount Barker and Echunga Road*.—Commencing at the Mount Barker Main Road, between sections 4471 and 4476, hundred of Macclesfield; thence south-westerly, between sections 3728 and 2907, 3711 and 2893, and westerly to the west boundary of the district, at the south-east corner of section 3702. Distance, about two and a quarter miles; number on Schedule A, 43.

4. *Railway Branch*.—Commencing at the intersection of the Mount Barker Main Road with Gawler Street, town of Mount Barker, hundred of Macclesfield; thence north-easterly along Gawler Street to the Mount Barker Railway Station. Distance, about half a mile; number on Schedule A, 53.

Total length of main roads, about thirteen and a quarter miles.

## MOUNT BRYAN DISTRICT COUNCIL DISTRICT.

1. *Mount Bryan to Collinsville Main Road*.—Commencing at the Mount Bryan Railway Station, hundred of Kingston; thence northerly between the railway line and section 90, and north-easterly, between sections 85 and 187, 219 and 222, to the north boundary of the district, between sections 436 and 456. Distance about seven and a quarter miles; number on Schedule A, 107.

Total length of main roads, about seven and a quarter miles.

## MOUNT CRAWFORD DISTRICT COUNCIL DISTRICT.

1. *Maidstone Main Road*.—Commencing on the west boundary of the district at the north-west corner of section 26, hundred of Barossa; thence southerly through section 26 and school reserve, and along Queen Street, town of Williamstown; thence southerly through section 984 and between sections 985 and 986, crossing bridge over Victoria Creek, and through sections 991, 992, and 3170 to the boundary of the district, in section 1524. Distance, about three miles; numbers on Schedule A, 61 and 89.

2. *Kangaroo Gully Main Road*.—Commencing at the Maidstone Main Road, in section 984, hundred of Barossa; thence easterly through sections 984 and 983, and south-easterly, between sections 122 and 125, 3101 and 3102, to the north boundary of the hundred of Para Wirra, in Recreation Reserve; thence through section 940 and between sections 931 and 20; through section 924 and between sections 917 and 918, 125 and 127, to the south boundary of the district, between sections 123 and 6632. Distance, about nine and a half miles; number on Schedule A, 79.

3. *Mount Crawford Main Road*.—Commencing at the Kangaroo Gully Main Road, at the west corner of section 3156, hundred of Barossa; thence north-easterly between sections 1181 and 3156, and easterly and south-easterly, through sections 3168, 965, 961, 956, 948, 937, and between sections 3107 and 3106 to cross roads, in section 648. Distance, about four and three-quarter miles; number on Schedule A, 89.

Total length of main roads, about seventeen and a quarter miles.

## CORPORATION OF MOUNT GAMBIER.

1. *Mount Gambier to Penola Main Road*.—Commencing at mile-post at old post office, corporate town of Mount Gambier, hundred of Blanche; thence north-easterly, between sections 1101 and 1102, to the north boundary of the corporate town at the centre of roads, between sections 368, 369, and 1101, 1102. Distance, about thirty chains; number on Schedule A, 296.

2. *Mount Gambier to MacDonnell Bay Main Road*.—Commencing at the mile-post at old post office, corporate town of Mount Gambier, hundred of Blanche; thence south-westerly between sections 1100 and 1103, and along Templar Terrace, Gambier Town; thence between Blue Lake and Leg of Mutton Lake to the south boundary of the corporate town, at the north boundary of section 548. Distance, about two miles; number on Schedule A, 296.

3. *Mount Gambier to Victorian Border Main Road*.—Commencing at the mile-post at old post office, corporate town of Mount Gambier, hundred of Blanche; thence

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thence south-easterly, between sections 1102 and 1103, to the east boundary of the corporate town, between sections 7 and 8. Distance, about three-quarters of a mile; number on Schedule A, 299.

4. *Mount Gambier to Compton Main Road.*—Commencing at the mile-post at old post office, corporate town of Mount Gambier, hundred of Blanche; thence north-westerly, between sections 1100 and 1101, to the west boundary of the corporate town, between sections 9 and 10. Distance, about three-quarters of a mile; number on Schedule A, 300.

5. *Mount Gambier and Plate's Hill Main Road.*—Commencing on the Mount Gambier and Port MacDonnell Road, at the south-west corner of section 425, hundred of Blanche; thence south of section 16 to corporation boundary. Distance, about sixty chains; number on Schedule A, 298.

Total length of main roads, about four miles fifty chains.

## MOUNT GAMBIER EAST DISTRICT COUNCIL DISTRICT.

1. *Casterton Main Road.*—Commencing at the Mount Gambier corporation boundary, west corner of section 14, hundred of Blanche; thence south-easterly to the western boundary of the hundred of Gambier, between sections 1180 and 1207; thence between sections 1210 and 1263, 439 and 440 to the south corner of section 361, and north-easterly between sections 362 and 364 to north-east corner of section 455. Distance, about five and a quarter miles; number on Schedule A, 299.

2. *Mount Gambier and Glenelg River Main Road.*—PART I.—Commencing on the Mount Gambier and MacDonnell Bay Main Road at the north-west corner of section 462, hundred of Blanche; thence easterly to the north-east corner of section 499; southerly to the south-east corner of section 477; easterly to the south-east corner of section 472; and southerly to the boundary of the district between sections 33 and 427, hundred of MacDonnell. PART II.—Commencing on the west boundary of the district in section 9, hundred of Caroline; thence south-easterly through said section to the southern boundary of the district. Total distance, about four and a quarter miles; number on Schedule A, 297.

3. *Plate's Hill Main Road.*—Commencing at boundary of corporate town of Mount Gambier, at south-west corner of section 15, hundred of Blanche; thence between sections 15 and 18, hundred of Blanche; section 18, hundred of Blanche, and section 17, hundred of Gambier; section 545, hundred of Blanche, and section 1314, hundred of Gambier; thence easterly between sections 1314 and 1370, 138 and 1339, 139 and 339, 183 and 219, hundred of Gambier, to north-west corner of section 207. Distance, about nine miles; number on Schedule A, 298.

Total length of main roads, about eighteen and a half miles.

## MOUNT GAMBIER WEST DISTRICT COUNCIL DISTRICT.

1. *Mount Gambier and Penola Main Road.*—Commencing at the north boundary of the corporate town of Mount Gambier at the centre of roads between sections 1101, 1102, and 368, 369, hundred of Blanche; thence north-easterly, between sections 316 and 317, to the east boundary of the hundred; northerly, along east boundary of the hundred, to the south-east corner of the hundred of Young, Distance, about five miles; number on Schedule A, 296.

2. *Mount Gambier and MacDonnell Bay Main Road.*—Commencing at the south boundary of the corporate town of Mount Gambier, in section 548, hundred of Blanche; thence south-westerly through section 548; southerly between sections 602 and 604, 600 and 608; and south-westerly, through sections 606 and 605, to the south boundary of the district, at the south-west corner of section 474. Distance, about four miles; number on Schedule A, 296.

3. *Mount Gambier and Compton Main Road.*—Commencing at the west boundary of the corporate town of Mount Gambier, between sections 11 and 12, hundred of Blanche; thence generally in a north-westerly direction, between sections 12 and 365, 321 and 364, 270 and 307, 714 and 721, 717 and 719, to the eighth mile-post towards Compton. Distance, about seven and a quarter miles; number on Schedule A, 300.

4. *Kirip and Glencoe Main Road.*—Commencing at the west corner of section 329, hundred of Young, through section 330 to the boundary of the hundred; thence northerly

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northerly to Kirip Railway Siding. Distance, about two miles; number on Schedule A, 302.

Total length of main roads, about eighteen and a quarter miles.

## MOUNT MUIRHEAD DISTRICT COUNCIL DISTRICT.

1. *Millicent and Rendelsham Main Road.*—Commencing at the Millicent to Penola Main Road, between sections 197 and 198, hundred of Mount Muirhead; thence northerly, between sections 58 and 201, and north-westerly, between sections 201 and 202, 149 and 150, 77 and 82, 42 and 44, to town of Hatherleigh, along Calcoolat Terrace North; thence south-westerly, between sections 35 and 38, to the east boundary of the hundred of Rivoli Bay, between sections 18 and 122, and between sections 41 and 42, 46 and 42, to Rendelsham Railway Station. Distance, about fourteen and a half miles; number on Schedule A, 307.

2. *Millicent and Furner Main Road.*—Commencing at the Millicent and Rendelsham Main Road, between sections 80 and 99, hundred of Mount Muirhead; thence north-easterly, between sections 84 and 85, 49SE and 50, to the north boundary of the district, between sections 219 and 220. Distance, about five miles; number on Schedule A, 303.

Total length of main roads, about nineteen and a half miles.

## MUDLA WIRRA NORTH DISTRICT COUNCIL DISTRICT.

1. *Mallala and Wasleys Main Road.*—Commencing at the west boundary of the district, at the centre of Redbanks Bridge over River Light, section 5, hundred of Grace; thence southerly, between sections 4 and 5; south-easterly, between sections 7 and 8, to the east boundary of the hundred, and the half width of road in hundred of Mudla Wirra for about three miles south of sections 544, 517, and 513 to Wasleys Railway Station. Distance, about seven and a quarter miles, of which about three miles is half width of road; number on Schedule A, 112.

2. *Wasleys and Templers Main Road.*—Commencing at the Wasleys Railway Station, hundred of Mudla Wirra; thence easterly, by the half width of road south of section 513 for about five chains and the full width of the road between sections 512 and 522, 508 and 743, to the east boundary of the district, between sections 194 and 2003. Distance, about three and three-quarter miles, of which about five chains is half width of road; number on Schedule A, 74.

3. *Templers and Linwood Main Road.*—Commencing at the south-east corner of the district at the south-east corner of section 185, hundred of Mudla Wirra; thence northerly, by the half width of road, to the south corner of section 165, hundred of Light. Distance, about three miles, of which the whole is half width of road; number on Schedule A, 73.

4. *Hamley Bridge Main Road.*—Commencing at the centre of bridge over River Light, section 334, hundred of Mudla Wirra; thence southerly, through sections 334 and 333, and between sections 315 and 332, to the south-east corner of section 329. Distance, about two miles; number on Schedule A, 121.

Total length of main roads, about sixteen miles five chains, of which about six miles five chains is half width of road only.

## MUDLA WIRRA SOUTH DISTRICT COUNCIL DISTRICT.

1. *Mallala and Wasleys Main Road.*—Commencing at the north-western corner of the district between sections 586 and 548, hundred of Mudla Wirra South; thence easterly by half-width of the road between sections 547 and 581 to Wasleys Railway Station. Distance, about three miles, of which the whole is half width of road; number on Schedule A, 112.

2. *Gawler and Redbanks Main Road.*—Commencing at the Willaston Bridge over the North Para River on the south-eastern boundary of the district, hundred of Mudla Wirra; thence north-westerly between sections 134 and 692, 444 and 428 to the north-west corner of section 430; westerly between sections 63 and 64, 74 and 499; and north-westerly between sections 417 and 418, 412 and 413, 703 and 714, 710 and 698 to the western boundary of the district at the north corner of section 656. Distance, about nine miles; number on Schedule A, 109.

3. *Roseworthy College Main Road.*—Commencing on the Gawler and Redbanks Main Road at the south-west corner of section 411, hundred of Mudla Wirra; thence northerly between sections 407 and 505, 694 and 695 to the north-east corner of section



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section 687. Distance, about two and three-quarter miles; number on Schedule A, 109.

4. *Gawler and Linwood Main Road.*—Commencing at the Gawler and Redbanks main road between allotments 15 and 16, town of Willaston, hundred of Mudla Wirra; thence north-easterly to the eastern corner of section 134, hundred of Mudla Wirra, and northerly by half width of road, following the eastern boundary of the district to the north-east corner of section 180. Distance, about seven miles, of which about six and a half miles are half width only; number on Schedule A, 73.

5. *Gawler River Main Road.*—Commencing at the Gawler and Redbanks main road in the town of Willaston; thence through section 692, hundred of Mudla Wirra, between sections 723 and 724, 31 and 49, 33 and 44 to east boundary of section 37. Distance, about five miles; number on Schedule A, 110.

6. *Roseworthy Railway Station Main Road.*—Commencing at Roseworthy Railway Station; thence to south-east corner of allotment 55, Roseworthy. Distance, about twenty chains; number on Schedule A, 111.

7. *Wasleys and Templers Main Road.*—Commencing at the Wasleys Railway Station, and running east between sections 513 and 524, hundred of Mudla Wirra, by half width of road, to the south-west corner of section 522, hundred of Mudla Wirra. Distance, about five chains, of which the whole is half width of road; number on Schedule A, 74.

Total length of main roads, about twenty-seven miles five chains, of which about ten miles forty-five chains are half width of road only.

## MUNDOORA DISTRICT COUNCIL DISTRICT.

1. *Port Broughton and Port Pirie Main Road.*—Commencing at Port Broughton Railway Station, hundred of Mundoora; thence north-easterly and easterly between sections 255 and 332, 295 and 318, 473s and 483; north-easterly between sections 474 and 475s, 470 and 469; and northerly and north-westerly between block A and sections 458 and 451, and between blocks C2 and JNW to the north boundary of the district between blocks C2 and DN. Distance, about thirteen miles; number on Schedule A, 159.

2. *Alford and Port Broughton Main Road.*—Commencing at the western boundary of the district, between sections 48 and 49, hundred of Wokurna; thence north-easterly and northerly between sections 50 and 51, 90 and 91, 101 and 149 to the south boundary of the hundred of Mundoora at the south-west corner of section 1; thence along the western boundaries of section 79s, 136, 191 to Port Broughton Railway Station. Distance, about nine and three-quarter miles; number on Schedule A, 196.

3. *Bute and Port Broughton Main Road.*—Commencing at the south boundary of the district between sections 12 and 13, hundred of Wokurna; thence northerly and north-westerly between sections 38 and 39, 81 and 82, 103 and 106 to the south boundary of the hundred of Mundoora between sections 5s and 6; thence to join the Alford to Port Broughton Main Road near Port Broughton. Distance, about ten miles; number on Schedule A, 195.

4. *Percyton and Mundoora Main Road.*—Commencing at the north-eastern corner of section 495N, hundred of Mundoora; thence northerly along the eastern boundary of the hundred to the Mundoora Railway Station. Distance, about one mile; number on Schedule A, 194.

Total length of main roads, about thirty-four and three-quarter miles.

## MUNNO PARA EAST DISTRICT COUNCIL DISTRICT.

1. *Adelaide and Gawler Main Road.*—Commencing at the south boundary of the district at the Little Para River, between sections 2020 and 2021, hundreds of Munno Para and Yatala; thence northerly through sections 3122, 2154, and between sections 3121 and 3123, 3129 and 3130; thence north-easterly between sections 3134 and 3135, 3157 and 3158, 1718 and 1715, 3201 and 3202, 3213 and 3214, to the north-west corner of section 1723. Distance, about ten and three-quarter miles; number on Schedule A, 1.

2. *Smithfield and Sampson's Flat Main Road.*—Commencing at the Adelaide and Gawler Main Road, between sections 3158 and 3161, hundred of Munno Para; thence south-easterly between sections 3175 and 3251; south-westerly between sections

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sections 3175 and 4151, 3176 and 4152; thence easterly between sections 4162 and 4163, 1694 and 4212, 1688 and 4229, 4193 and 4230; and south-easterly through sections 4231, 1729 to join the Adelaide and Sampson's Flat Main Road in section 5617. Distance, about six and three-quarter miles; number on Schedule A, 72.

3. *Adelaide and Sampson's Flat Main Road*.—Commencing at the south-east corner of the district, hundred of Munno Para; thence northerly to join Smithfield and Sampson's Flat Main Road. Distance, about three-quarters of a mile; number on Schedule A, 60.

Total length of main roads, about eighteen and a quarter miles.

## MUNNO PARA WEST DISTRICT COUNCIL DISTRICT.

1. *Adelaide and Port Wakefield Main Road*.—Commencing at the south boundary of the district, at the Little Para River, section 2280, hundreds of Munno Para and Port Adelaide; thence north-westerly, *via* Waterloo Corner and Virginia, between the hundreds of Munno Para and Port Adelaide, to the north boundary of the district, River Gawler. Distance, about nine and a half miles; number on Schedule A, 10.

2. *Strowan Bridge Main Road*.—Commencing at Waterloo Corner, between sections 4249 and 4244, hundred of Munno Para; thence south-easterly, between sections 4006 and 4009, to the south boundary of the district, Little Para River, between sections 3056 and 3063. Distance, about three and three-quarter miles; number on Schedule A, 108.

3. *Main North Road to Smithfield Railway Station*.—Commencing at the east boundary of the district, between sections 3162 and 3165, hundred of Munno Para; thence north-westerly to Smithfield Railway Station. Distance, about thirty chains; number on Schedule A, 72.

Total length of main roads, about thirteen miles fifty chains.

## NAIRNE DISTRICT COUNCIL DISTRICT.

1. *Murray Bridge Main Road*.—Commencing at the west boundary of the district, between sections 4432 and 4499, hundreds of Kanmantoo and Macclesfield; thence north-easterly to the town of Nairne, along Main Street, and easterly through sections 5299, 5300A, to the town of Dawesley; thence north-easterly and easterly, through sections 4414, 4413, 5317, 5330, 5337, and between sections 5331 and 5333; south-easterly between sections 5335 and 5336 and through sections 5350, 5351, through towns of Kanmantoo and Callington, to the centre of bridge over the Bremer River, at the east boundary of the district. Distance, about thirteen miles; number on Schedule A, 46.

2. *Woodside Main Road*.—Commencing at the south corner of section 5293, hundred of Kanmantoo; thence northerly, between sections 5210 and 5294, through section 5211, and between sections 1869 and 5219, to the west boundary of the district, between sections 1869 and 5218. Distance, about three and a quarter miles; number on Schedule A, 47.

Total length of main roads, about sixteen and a quarter miles.

## NARACOORTE DISTRICT COUNCIL DISTRICT.

1. *Binum and Frances Main Road*.—Commencing at the west boundary of the hundred of Binnum, between sections 574 and 271; thence between 584 and 573, 548 and 572; easterly through town of Frances, along High Street, across park lands, and between sections 389 and 398 to the east boundary of the district, between sections 394 and 395. Distance, about ten and a half miles; number on Schedule A, 285.

2. *Apsley Main Road*.—Commencing at the Naracoorte Railway Station, hundred of Naracoorte; thence easterly through part sections 5 and 6 and sections 27 and 28; thence between sections 8 and 324, 356 and block 59, to the west boundary of the hundred of Jessie, between sections 4 and 149; thence easterly through sections 46 and 47, and between sections 339 and 553, to the town of Jessie, along Blyth Street, to the east boundary of the district. Distance, about thirteen and a half miles; number on Schedule A, 286.

3. *Struan and Joanna Main Road*.—Commencing at the Naracoorte and Mount Gambier railway line, near Mosquito Creek, hundred of Robertson; thence easterly between

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between sections 83 and 177 ; thence northerly through section 177, and between section 179s and reserves, to the west boundary of the hundred of Joanna ; thence easterly between sections 59 and 174, 81 and 171, to the north-east corner of section 171. Distance, about four miles ; number on Schedule A, 287.

4. *Bordertown Main Road*.—Commencing at the Naracoorte Railway Station, hundred of Naracoorte ; thence westerly through the township of Naracoorte, along MacDonnell Street, and north-westerly along Stewart Street, and between park lands and blocks 3 and 4, section 485 and block 96, to the south boundary of the hundred of Hynam, between sections 391 and block 101 ; thence north-westerly between sections 67 and 375, 90 and 364, to the north-east corner of section 110. Distance, about ten miles ; number on Schedule A, 288.

Total length of main roads, about thirty-eight miles.

## NEALES DISTRICT COUNCIL DISTRICT.

1. *Eudunda and Burra Main Road*.—Commencing at the Eudunda Railway Station, hundred of Neales ; thence north-westerly and north-easterly across the railway line ; northerly between sections 123 and 129, 113 and water conservation reserve, 371 and 372 to the northern boundary of the district at the north-west corner of section 117. Distance, about three and a quarter miles ; number on Schedule A, 97.

2. *Eudunda and Truro Main Road*.—Commencing at the Eudunda Railway Station, hundred of Neales ; thence south-easterly through section 130 ; easterly between sections 356 and 348, 358 and 347, 268 and 157, 280 and 158, water conservation reserve and 164 ; south-easterly between sections 165 and 82, 168 and 79, and southerly between sections 89 and 71, 29 and 30, 26 and 34 to the south boundary of the hundred between sections 24 and 36. Distance, about nine and three-quarter miles ; number on Schedule A, 95.

3. *Julia Creek Main Road*.—Commencing at town of Eudunda ; thence between sections 127 and 352, hundred of Neales, along the hundred boundary west of sections 355, 104 to north-west corner of section 101. Distance, about five and a quarter miles ; number on Schedule A, 96.

4. *Hundred of English Main Road*.—Commencing on the Eudunda and Burra Main Road at reserve 295, hundred of Neales ; thence between sections 120 and 121 to north boundary of the hundred between sections 180 and 181. Distance, about three miles ; number on Schedule A, 98.

Total length of main roads, about twenty-one and a quarter miles.

## NINNES DISTRICT COUNCIL DISTRICT.

1. *Wallaroo and Port Broughton Main Road*.—Commencing on the south boundary of the district, at the south-east corner of section 549, hundred of Tickera ; thence north-easterly between sections 572 and 545, 44 and 45, 56E and 55, to the town of Alford ; along High Street, and between sections 281 and 284, 171 and 172, 111 and 144, 145 and 146, to the west boundary of the district of Mundoorra, at the north corner of section 145. Distance, about fourteen miles ; numbers on Schedule A, 196 and 200.

2. *Kadina and Alford Main Road*.—Commencing at the south boundary of the district, between sections 13 and 92, hundred of Tickera ; thence north-easterly between sections 23s and 13, 45 and 46, to join the Wallaroo and Alford Main Road at the north corner of section 45. Distance, about four miles ; number on Schedule A, 200.

3. *Ninnes and Bute Main Road*.—Commencing at south-west corner of section 39, hundred of Ninnes ; thence through town of Ninnes, between sections 54 and 55, 130 and 131, 303 and 48, hundred of Ninnes, to the Bute Railway Crossing. Distance, about ten miles ; number on Schedule A, 195.

4. *Bute to Port Broughton Main Road*.—Commencing at the town of Bute, hundred of Wiltunga ; thence northerly between sections 133 and 309, 191 and 194, to the north boundary of the district, between sections 263 and 264. Distance, about nine miles ; number on Schedule A, 195.

Total length of main roads, about thirty-seven miles.

NOARLUNGA

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## NOARLUNGA DISTRICT COUNCIL DISTRICT.

1. *Main South Road*.—Commencing on the north boundary of the district, at the north-west corner of section 17, hundred of Noarlunga; thence southerly between sections 16 and 17, and 24 and 25; south-westerly through sections 24, 32, 46, 53, 338, and across the bridge over the River Onkaparinga, to the north boundary of the hundred of Willunga; thence southerly through sections 69 and 79, between sections 352 and 99, and through sections 119, 129, to the south boundary of the district, at the south-west corner of the latter section. Distance, about six and a quarter miles; number on Schedule A, 23.

2. *Willunga Branch Main Road*.—Commencing at the Main South Road, in section 69, hundred of Willunga; thence southerly through sections 69 and 79; south-easterly through section 90; easterly between sections 91 and 101, 92 and 102, and south-easterly through sections 103, 113, 114, 124, and 135, to the south boundary of the district, at the south-east corner of the latter section. Distance, about three and three-quarter miles; number on Schedule A, 36.

Total length of main roads, about ten miles.

## NORTH RHINE DISTRICT COUNCIL DISTRICT.

1. *Keyneton and River Murray Main Road*.—Commencing on the western boundary of the district, between sections 79 and 80, hundred of North Rhine; thence south-easterly between sections 73 and 76, 353 and 500, through sections 508 and 516, between sections 523 and 525; north-easterly through sections 540 and 655; easterly through sections 652, 648, 649, 829, 828, 156, 157, and 774; southerly between sections 308 and 774, 315 and 776; and easterly between sections 315 and 780 to the western boundary of the hundred of Bagot, between sections 36 and 43; thence between sections 38 and 45, 145 and 148, 189 and 201, 4 and 5 to the east boundary of the district, between sections 7 and 212. Distance, about twenty-two miles; number on Schedule A, 71.

2. *Rhine Villa to Sedan Main Road*.—Commencing at the south boundary of the district, between sections 15 and 16, hundred of Bagot; thence northerly and north-easterly between sections 27 and 28, 38 and 39 to Keyneton and River Murray Main Road at Sedan. Distance, about three and three-quarter miles; number on Schedule A, 65.

3. *Pine Hut Main Road*.—Commencing at south boundary of the hundred of North Rhine; thence between sections 149 and 150, 802 and 812, through section 611 to the three-chain road on east boundary of sections 595 and 596. Distance, about six miles; number on Schedule A, 64.

Total length of main roads, about twenty-five and three-quarter miles.

## NURIOTPA DISTRICT COUNCIL DISTRICT.

1. *Gawler and Templers Main Road*.—Commencing at the eastern corner of section 134, hundred of Mudla Wirra; thence northerly by half-width of road following the western boundary of the district to the north corner of section 160; thence north-easterly, by full width of road, between sections 165 and 166, 552, 195, 593, 294, to the centre of the Linwood Bridge at the north boundary of the district. Distance, about sixteen and one-quarter miles, of which about nine and a half miles is half width only; number on Schedule A, 73.

2. *Gawler and Kapunda Main Road*.—Commencing at the Gawler and Templers Main Road at the south-west corner of section 360, hundred of Nuriotpa; thence north-easterly between sections 343 and 344, 451 and 29, 346 and 593, *via* Sheaoak Log, 1603 and 635, 302 and 550, *via* Daveyston, 206 and 207, and through section 205; thence northerly between sections 1671 and 1672, 1675 and 1676, 1813 and 1815; and westerly between sections 1813 and 7597; thence to the northern boundary of the district, between sections 1814 and 7597. Distance, about fifteen miles; number on Schedule, A 1.

3. *Freeling and Daveyston Main Road*.—Commencing at the Freeling Railway Station, town of Freeling, hundred of Nuriotpa; thence easterly along Hanson Street and between sections 496 and 497, 460 and 461, through section 606; south-easterly between sections 410 and 606, through section 402 and between sections

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128 and 222 to Daveyston, at the east corner of section 222 on the Gawler and Kapunda Main Road. Distance, about four miles; number on Schedule A, 76.

4. *Greenock and Nuriootpa Main Road.*—Commencing at the Gawler and Kapunda Main Road between sections 1671 and 1672, hundred of Nuriootpa; thence north-easterly between sections 1672 and 1676; south-easterly between sections 148 and 1677A, 120 and 151, 123 and 240, through sections 176, 138, 139, and 156 to the Tanunda and Truro Main Road at the east boundary of the district. Distance, about four and three-quarter miles; number on Schedule A, 77.

5. *Tanunda and Truro Main Road.*—Commencing on the east boundary of the district at the Gawler River on the east boundary of section 141, hundred of Nuriootpa; thence north-easterly along district boundary east of sections 141, 136, 159, 48 by a width of 24ft. Distance, about one and a quarter miles; number on Schedule A, 89.

Total length of main roads, about thirty-three miles, of which about nine and a half miles is half width and one and a quarter miles is 24ft. wide, the Angaston District Council having control of 42ft.

## ONAUंगा DISTRICT COUNCIL DISTRICT.

1. *Langhorne's Creek and Mount Barker Main Road.*—Commencing at the south boundary of the district, in section 68, hundred of Strathalbyn; thence north-westerly through sections 67, 62, 60, and between sections 1458 and 2663, 1472 and 1474, 1354 and 1355, 1358 and 1239; through sections 1362, 1363, and between sections 1365 and 1366, 1406 and 1415, to the west boundary of the district, at the north corner of section 1407. Distance, about twelve miles; number on Schedule A, 54.

2. *Strathalbyn and Callington Main Road.*—Commencing at the west boundary of the district, between sections 47 and 54, hundred of Strathalbyn; thence north-easterly between sections 1467 and 1468, 1471 and 1472, 1788 and 1791, 1323 and 1326; through sections 1273, 1274, 1276, and between sections 1801 and 1806, through section 1816, and between sections 1818 and 1822, to north boundary of the district, between sections 1820 and 1821. Distance, about nine and a half miles; number on Schedule A, 56.

3. *Red Creek Main Road.*—Commencing at the west boundary of the district, on the Langhorne's Creek and Mount Barker Main Road, between sections 1395 and 1406, hundred of Strathalbyn; thence south-easterly between sections 1368 and 1369, 1251 and 1252, 1266 and 1267 (Red Creek), 1280 and 1281 to the Strathalbyn and Callington Main Road, between sections 1275 and 1800 to Cross's Bridge (Hartley). Distance, about five and three-quarter miles; number on Schedule A, 53.

Total length of main roads, about twenty-seven and a quarter miles.

## ONKAPARINGA DISTRICT COUNCIL DISTRICT.

1. *Lobethal Main Road.*—Commencing at the western boundary of the district between sections 81 and 230N, hundred of Onkaparinga; thence north-easterly through sections 81, 63, 64, 62, 5149, between sections 28 and 22, 51 and 29, 53 (part) and 50, and through sections 5203 and 5115, to the south boundary of section 5125. Distance, about six miles; number on Schedule A, 11.

2. *Balhannah Main Road.*—Commencing at the west boundary of the district, between sections 34 and 102, hundred of Onkaparinga; thence south-easterly through sections 102, 120, 3936, between sections 4028 and 4023, through sections 4023, 4046, 4044, and between sections 4013 and 4014, to the Balhannah and Lobethal Main Road, south of section 4014. Distance, about three and three-quarter miles; number on Schedule A, 14.

3. *Woodside Branch Main Road.*—Commencing at the south boundary of the district, in section 4083, hundred of Onkaparinga; thence north-easterly through sections 4083, 1922, 4094, 4096, between sections 4009 and 4100, 4013 and 4029, 4017 and 4021, 235 and 317, 5014 and 5015, 5037 and 5039, and through sections 5048, 5199, 5054, 5067, 5081, 5095, 5094, and 5292, to the north-east boundary of the district in section 6505. Distance, about fourteen miles; number on Schedule A, 48.

4. *Millbrook*

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4. *Millbrook and Lobethal to Mount Torrens Main Road.*—Commencing at the north boundary of the district, in section 5177, hundred of Onkaparinga; thence southerly and south-easterly through sections 5177, 5167, 5133, and easterly to join the Lobethal and Mount Torrens Main Road in section 5124. Distance, about one and three-quarter miles; number on Schedule A, 49.

5. *Lobethal to Woodside Branch Main Road.*—Commencing at the north-west corner of section 5116, hundred of Onkaparinga; thence south-easterly between sections 5125 and 5116, and through sections 5128, 5057, 5055 to the Woodside Branch Main Road in section 5048. Distance, about two miles; number on Schedule A, 49.

6. *Lobethal to Mount Torrens Main Road.*—Commencing at the south boundary of section 5125, hundred of Onkaparinga; thence northerly through sections 5125 and 5124; easterly through sections 5126, 5090, between sections 196 and 199, through sections 5101, 5099, 5097, 5095 to the Woodside Branch Main Road south of section 5096. Distance, about three and a half miles; number on Schedule A, 11.

7. *Nairne and Woodside Main Road.*—Commencing at the Woodside Branch Main Road at the south-west corner of section 5030, hundred of Onkaparinga; thence south-easterly between sections 5022 and 5030; south-westerly between sections 5022 and 5029; south-easterly through sections 5029 and 5244, and between sections 5312 and 5243, 5242 and 5311, 5238 and 5236, 152 and 5218 to the south boundary of the district. Distance, about three and a half miles; number on Schedule A, 47.

8. *Forest Range Deviation.*—Commencing on the Greenhill Main Road, at the west corner of section 33, hundred of Onkaparinga; thence through sections 35, 103, 99, to the Lobethal Main Road, west of section 94. Distance, about three miles; number on Schedule A, 50.

Total length of main roads, about thirty-seven and a half miles.

## ORROROO DISTRICT COUNCIL DISTRICT.

1. *Eurelia and Morchard Main Road.*—Commencing at the north boundary of the district, between sections 125N and 126, hundred of Coomooroo; thence south-westerly to the south-west corner of section 111. Distance, about two and a half miles; number on Schedule A, 177.

2. *Orroroo and Wilmington Main Road.*—Commencing at the town of Orroroo, hundred of Walloway; thence south-westerly between sections 308 and 309, 30 and 26s, 30 and 29 to the east boundary of the hundred of Coomooroo, between sections 15 and 16, and north-westerly between sections 12E and 16, north-east of sections 18 and 22N, past the town of Morchard to the western boundary of the district north of section 33. Distance, about eleven and three-quarter miles; number on Schedule A, 176.

3. *Orroroo and Johnburgh Main Road.*—Commencing at the town of Orroroo, hundred of Walloway; thence northerly between sections 211 and 289, 67 and 68, 118 and 119 to the north boundary of the district between sections 138 and 139. Distance, about nine and three-quarter miles; number on Schedule A, 173.

4. *Orroroo and Dawlish Main Road.*—Commencing at the town of Orroroo, hundred of Walloway; thence easterly between sections 172 and 181, 33w and 51E, 37 and 41 to the west boundary of the hundred of Erskine, between sections 31 and 65; thence between sections 35 and 60, 47 and 56 to the town of Dawlish. Distance, about fourteen miles; number on Schedule A, 174.

5. *Caltowie and Orroroo Main Road.*—Commencing on the Orroroo to Wilmington Main Road at the north-east corner of section 29, hundred of Walloway; thence southerly, westerly, and south-westerly to the eastern boundary of the hundred of Pekina at the north corner of section 304; thence south-westerly between sections 145 and 146, 14 and 15, through the town of Pekina, between sections 38 and 39, 70 and 71 to the south boundary of the district, between sections 117 and 118. Distance, about fifteen miles; number on Schedule A, 150.

6. *Booleroo Centre and Orroroo Main Road.*—Commencing at the western boundary of the district, between sections 258 and 253w, hundred of Pekina; thence easterly to the south-east corner of section 257; northerly between sections 256 and 257, 265 and 264; and easterly and south-easterly between sections 264 and 271, 22 and

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and 29 to the Caltowie and Orroroo Main Road, between sections 35 and 230. Distance, about nine and a half miles; number on Schedule A, 163.

7. *Black Rock and Pekina Main Road.*—Commencing at Black Rock Railway Station, hundred of Black Rock Plain; thence south-westerly and westerly between sections 135 and 136, 129E and 195W, 206W and 207A, 7 and 16 for a distance of seven miles. Number on Schedule A, 172.

8. *Black Rock and Hundred of Morgan Main Road.*—Commencing at Black Rock Railway Station, hundred of Black Rock Plain; thence north-easterly and easterly between sections 153 and 154, 155 and 139 to the eastern boundary of the district between sections 156 and 157. Distance, about two miles; number on Schedule A, 171.

9. *Erskine Main Road.*—Commencing on the Orroroo and Dawlish Main Road, at the south-west corner of section 62, hundred of Erskine; thence between sections 61 and 72, to the north-west corner of section 75N. Distance, about three miles; number on Schedule A, 175.

10. *Yatina and Petersburg Road.*—Commencing at the town of Yatina; thence west of section 107 to the boundary of the hundred, between sections 118 and 231, hundred of Black Rock Plain. Distance, about three-quarters of a mile; number on Schedule A, 144.

Total length of main roads, about seventy-five and a quarter miles.

#### PARA WIRRA DISTRICT COUNCIL DISTRICT.

1. *Mannum Main Road.*—Commencing at the west boundary of the district, between sections 5510 and 581, hundreds of Yatala and Para Wirra; thence easterly between sections 175 and 579, 172 and 983, hundred of Para Wirra, through sections 6141, 6136, 6131, 6126, 6121, to the eastern boundary of the district, between sections 6115 and 6116. Distance, about four and a half miles: number on Schedule A, 2.

2. *Cudlee Creek, or Lobethal Main Road.*—Commencing at the Mannum Main Road, in section 6131, hundred of Para Wirra; thence southerly through sections 6132, 6133, and south-easterly through sections 6128, 6129, to the south boundary of the district, in section 6124. Distance, about one and a half miles; number on Schedule A, 49.

3. *Kersbrook and Williamstown Main Road.*—Commencing at the Mannum Main Road, in section 6121, hundred of Para Wirra; thence northerly through sections 6092, 6091, 6087, and between sections 6085 and 6146; through sections 6145, 5519, 6394, and between sections 197 and 504, 56 and 94, 35 and 36; thence through sections 1552 and 1549, and between Stone Reserve and sections 270 and 269, and through sections 1541, 676, 1615, 1535, 6390, to the north boundary of the district, at South Para Bridge, in section 1524. Distance, about ten miles; number on Schedule A, 61.

Total length of main roads, about sixteen miles.

#### PAYNEHAM DISTRICT COUNCIL DISTRICT.

1. *Payneham Main Road.*—Commencing at the north boundary of the corporate town of St. Peters, at the south corner of section 281, hundred of Adelaide; thence north-easterly by two-thirds width of road south-east of section 281 for about fifteen chains, and full width of road between sections 282 and part 279, 305 and 306 to the east boundary of the district, between sections 305 and 307. Distance, about one and three-quarter miles, of which about fifteen chains is two-thirds width of road; number on Schedule A, 11.

2. *Magill Main Road.*—Commencing on the south boundary of the district at the south-west corner of section 287, hundred of Adelaide; thence easterly by half width of road to the south-east corner of section 302. Distance, about one mile; of which the whole is half width only; number on Schedule A, 11.

Total length of main roads, about two and three-quarter miles, of which fifteen chains is two-thirds width of road and one mile half width of road.

#### PENOLA DISTRICT COUNCIL DISTRICT.

1. *Penola and Comaum Main Road.*—Commencing at the Penola Railway Station, between sections 72, 73, and 78, 79, hundred of Penola; thence north-easterly through

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through sections 3 and 5; northerly between sections 5 and 113; easterly between sections 113 and 116; north-easterly between sections 117 and 118 to north-west corner of section 122. Distance, about two and a half miles; number on Schedule A, 291.

2. *Penola and Naracoorte Main Road.*—Commencing at the Penola and Comaum Main Road in section 3, hundred of Penola; thence northerly between the town of Penola North and section 5, between sections 41 and 35, 513 and 517, 475 and 497 to the south boundary of the hundred of Comaum, between sections 471 and 474; thence northerly between sections 160 and 166, 140 and 141 to the north-east corner of section 449, and westerly to the railway line at the south-west corner of section 56. Distance, about nine and a quarter miles; number on Schedule A, 289.

3. *Penola and Mount Gambier Main Road.*—Commencing at the junction of the Comaum and Naracoorte Main Roads in section 3, hundred of Penola; thence southerly through section 4 and between sections 216 and 235, district council reserve, and section 233, through section 193 and between sections 187 and 374, to the south boundary of section 182. Distance, about four miles; number on Schedule A, 290.

4. *Penola and Millicent Main Road.*—Commencing at the Penola Railway Station, between sections 72, 73, and 78, 79, hundred of Penola; thence southerly between sections 76 and 77; south-westerly between sections 66 and 82, 321 and 157 to the east boundary of the hundred of Monbulla, between sections 62 and 126; thence south-westerly between sections 75 and 122, 178 and 179 to the north-west corner of section 176. Distance, about seven and a quarter miles; number on Schedule A, 293.

5. *Penola and Robe Main Road.*—Commencing at the Penola Railway Station, between sections 72, 73, and 78, 79, hundred of Penola; thence northerly between sections 70 and 81, and westerly between sections 55 and 58, 485 and 9 to the east boundary of the hundred of Monbulla, between sections 152 and 308, and between sections 147 and 294, 185w and 285, 255 and block L, to the south-west corner of section 256. Distance, about eight and a half miles; number on Schedule A, 292.

6. *Penola and Casterton Main Road.*—Commencing at the Penola and Mount Gambier Main Road in section 3, hundred of Penola; thence generally in a south-easterly direction between sections 4 and 110, 107 and 108, 360 and 363, 326 and 369, 29 and 417, 414 and 28, to the north boundary of the hundred of Nangwarry, between sections 23 and 26; thence to the east boundary of the district between sections 27 and 33. Distance, about ten and three-quarter miles; number on Schedule A, 294.

7. *Kalangadoo and Millicent Main Road.*—Commencing at the Kalangadoo Railway Station, hundred of Grey; thence south-westerly along Railway Terrace, town of Kalangadoo East; westerly across railway line and between sections 865 and 100 to the south-west corner of section 497; thence northerly to the north-east corner of section 477; and westerly between sections 847 and 479, 882 and 886 to the west boundary of the district, between sections 1 and 884. Distance, about six miles; number on Schedule A, 309.

8. *Coonawarra Main Road.*—Commencing on the Penola and Glenroy Main Road, at the north-east corner of section 149, hundred of Comaum, to the Coonawarra Railway Station, west of section 458. Distance, about one mile; number on Schedule A, 295.

Total length of main roads, about forty-nine and a quarter miles.

## CORPORATE TOWN OF PETERSBURG.

1. *Petersburg and Yatina Main Road.*—Commencing at the Petersburg Railway Station, hundred of Yongala; thence westerly along main street to the north-west corner of section 209. Distance, about one and a quarter miles; number on Schedule A, 144.

2. *Petersburg Railway Station, towards Dawson Main Road.*—Commencing at the Petersburg Railway Station, hundred of Yongala; thence easterly along Main Street to the eastern boundary of the corporate town. Distance, about one and a quarter miles; number on Schedule A, 142.

Total length of main roads, about two and a half miles.



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## PINNAROO DISTRICT COUNCIL DISTRICT.

1. *Pinnaroo and Parilla Main Road.*—Commencing at the Pinnaroo Railway Station, northwards between sections 174 and 175, thence north-westerly between sections 80 and 81, 94 and 96, 118 and 119, to Parilla Head Station, at the south-east corner of section 144, hundred of Pinnaroo. Distance, about seven miles; number on Schedule A, 263.

2. *Pinnaroo and Pyap Bend Road.*—Commencing at the Pinnaroo and Parilla Main Road; thence north-easterly between sections 176 and 177; thence northerly between sections 98 and 101, 105 and 106, 134 and 135, to the south-eastern corner of section 156. Distance, about eight miles; number on Schedule A, 262.

3. *Pinnaroo and Border Road.*—Commencing at the Pinnaroo Railway Station, southerly to the south-western corner of the Water Conservation Reserve; thence easterly between section 181 and Recreation Reserve, 178 and 182, along the cultivation paddocks, between sections 75 and 76 to the Victorian border at the south-east corner of section 102, hundred of Pinnaroo. Distance, about four miles; number on Schedule A, 264.

4. *Pinnaroo South Road.*—Commencing at the Pinnaroo and Border Road, at the north-east corner of section 182, hundred of Pinnaroo; southerly between sections 182 and 183, 186 and 187, 57 and 56, 43 and 44, 20 and 21, to the south-west corner of section 17, hundred of Pinnaroo. Distance, about seven miles; number on Schedule A, 265.

5. *Pinnaroo and Garra Road.*—Commencing at the Pinnaroo and Border Main Road, at the south-eastern corner of the town of Pinnaroo; southerly between sections 189 and 190, 69 and 169; thence south-westerly between sections 58 and 68, 50 and 51, 46 and 47, 24 and 30, to the western boundary of section 25, hundred of Pinnaroo. Distance, about seven and a half miles; number on Schedule A, 266.

6. *Parilla and North-West Road.*—Commencing at the Parilla Railway Station; thence north-westerly between sections 42 and 43, 60 and 62, to the north-west corner of section 79, hundred of Parilla. Distance, about seven and a half miles; number on Schedule A, 267.

7. *Parilla and Scrubby Springs Main Road.*—Commencing at the Parilla Railway Station; thence southerly between sections 36 and 39 to Scrubby Springs, at the north-east corner of section 21, hundred of Parilla. Distance, about two miles; number on Schedule A, 267.

8. *Parilla Eastern Road.*—Commencing at the Parilla Railway Station; thence easterly between sections 36 and 45, 35 and 47, 34 and 48, to the south-western corner of section 33, hundred of Parilla. Distance, about four and a half miles; number on Schedule A, 268.

9. *Parilla Northern Road.*—Commencing at the Parilla-Eastern Road, at the south-western corner of section 45; thence northerly between sections 44 and 45, 52 and 53, 63 and 66, to the north-west corner of section 67, hundred of Parilla. Distance, about seven miles; number on Schedule A, 269.

10. *Lameroo North Road.*—Commencing at the Lameroo Railway Station; thence northerly, between sections 34 and 35, 23 and 24, 9 and 10, to the north-western corner of section 3, hundred of Bews. Distance, about nine miles; number on Schedule A, 270.

11. *Lameroo South Road.*—Commencing at the Lameroo Railway Station; thence southerly, between sections 53 and 54, 52 and 56, 65 and 67, to the boundary of the hundred of Bews, at the south-eastern corner of section 74. Distance, about six and a quarter miles; number on Schedule A, 270.

12. *Lameroo North-Western Main Road.*—Commencing from the Lameroo North Road, at the south-eastern corner of section 35, hundred of Bews; thence westerly; and then north-westerly, between sections 35 and 36, 27 and 28, 25 and 85, hundred of Bews; thence into the hundred of Cotton, between sections 80 and 81, to the north-western corner of section 82, hundred of Cotton. Distance, about ten miles; number on Schedule A, 271.

13. *Garra Main Road.*—Commencing on the Lameroo and South Road, at the south-eastern corner of section 56, hundred of Bews; thence south-westerly between sections 64 and 65, 63 and 76, to the boundary of the hundred of Bews at the southern corner of section 62, hundred of Bews. Distance, about five and a half miles; number on Schedule A, 272.

14. *Wilkawatt*

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14. *Wilkawatt North Road*.—Commencing at the Wilkawatt Railway Station; thence northerly between sections 17 and 39, 51 and 52, hundred of Cotton, to the south-west corner of section 84, hundred of Cotton. Distance, about six and a half miles; number on Schedule A, 273.

15. *Wilkawatt South Road*.—Commencing at the Wilkawatt Railway Station; thence southerly between sections 21 and 38, 25 and 26, hundred of Cotton; thence on to the southern end of section 9, hundred of Von Doussa. Distance, about five and a half miles; number on Schedule A, 273.

16. *Cotton and Price Boundary Road*.—Commencing at the north-west corner of section 94, hundred of Cotton; thence southerly along the boundary of the hundreds of Cotton and Price to the south-western corner of section 1, hundred of Cotton. Distance, about fifteen and a half miles; number on Schedule A, 274.

17. *Geranium Bore Main Road*.—Commencing at the northern boundary of the hundred of Price, at the north-western corner of section 4; thence southerly between sections 4 and 45, 10 and 40, through the Geranium Bore Railway Station to the south-western corner of section 18, hundred of Cotton. Distance, about ten miles; number on Schedule A, 275.

Total length of main roads, about one hundred and twenty-two and three-quarter miles.

## PIRIE DISTRICT COUNCIL DISTRICT.

1. *Port Pirie and Port Broughton Main Road*.—Commencing at the south boundary of the corporate town of Port Pirie, between sections 795N and 800, hundred of Pirie; thence southerly between sections 798 and 797, 342 and 343W, 269S and 270S, to the north boundary of the hundred of Wandearah, between sections 2NE and 2W, and southerly between sections 31N and 32, 68 and 69, 88 and 87, to the south boundary of the district at the south-west corner of section 106. Distance, about eighteen and a half miles; number on Schedule A, 159.

2. *Port Pirie and Port Germein Main Road*.—Commencing at the east boundary of the corporate town of Port Pirie, at the north-west corner of section 815, hundred of Pirie; thence north-easterly between sections 817 and 851, 364 and 365, and northerly between sections 365 and 366S, 372 and 373, to the northern boundary of the district, between sections 374 and 375. Distance, about six and a half miles; number on Schedule A, 161.

3. *Port Pirie and Nelshaby Main Road*.—Commencing at the Port Pirie and Port Germein Main Road at the south corner of section 366S, hundred of Pirie; thence north-easterly between sections 366S and 363, to the west boundary of the hundred of Napperby, between sections 110 and 111, and between sections 109 and 110, 105 and 106, to Nelshaby, at the north-east corner of section 105. Distance, about three and a half miles. Number on Schedule A, 160.

4. *Crystal Brook and Beetaloo Main Road*.—Commencing at the south boundary of the district at the north-east corner of section 10, hundred of Napperby; thence easterly between sections 9N and 20, to the west boundary of the hundred of Howe, and northerly between sections 59 and 71, 85 and 86, 125 and 117, 148 and 146, for a distance from Crystal Brook of ten miles. Distance, about five and a half miles; number on Schedule A, 153.

5. *Warnertown Main Road*.—Commencing at the boundary of the Port Pirie Corporation at section 836, hundred of Pirie; thence south of section 835 to the south-eastern corner of section 834. Distance, about forty chains; number on Schedule A, 162.

Total length of main roads, about thirty-nine miles.

## CITY OF PORT ADELAIDE.

1. *Adelaide and Port Adelaide Main Road*.—Commencing at the southern boundary of the corporate town, on the south-western boundary of section 420, hundred of Yatala; thence north-westerly between sections 423 and 443, 1129 and 699, over Tam O'Shanter Creek and along Commercial Road, Port Adelaide, to the Port Adelaide River near the Customs House. Distance, about two miles; number on Schedule A, 27.

2. *Jervois Bridge to Semaphore Main Road*.—Commencing at the western end of Jervois Bridge, over the Port River, hundred of Port Adelaide; thence westerly, northerly,

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northerly, and westerly, east and north of sections 909, 1108, 1110, and 1053, to the seacoast. Distance, about one and a quarter miles; number on Schedule A, 29.

3. *Grand Junction and Port Adelaide Main Road.*—Commencing on the eastern boundary of the corporate town, at the south-east corner of section 1178, hundred of Port Adelaide; thence westerly south of sections 1177, 1170, 1190, to the Adelaide and Port Adelaide Main Road, at the south-west corner of section 704. Distance, about two miles; number on Schedule A, 31.

4. *Ocean Steamers' Wharf Main Road.*—Commencing at the Port Adelaide Railway Station; thence along St. Vincent Street east to the corner of Santo Parade and over Fisher Bridge to the Ocean Steamers Wharf. Distance, about three-quarters of a mile; number on Schedule A, 28.

Total length of main roads, about six miles.

## CORPORATE TOWN OF PORT AUGUSTA.

1. *Stirling and Port Augusta Main Road.*—Commencing at the east boundary of the corporate town, hundred of Davenport; thence westerly along Stirling Road and Commercial Road to the wharf. Distance, about fifty-one chains; number on Schedule A, 167.

Total length of main roads, about fifty-one chains.

## CORPORATE TOWN OF PORT AUGUSTA WEST.

1. *Port Augusta West and Tarcoola Main Road.*—Commencing at the jetty, corporate town of Port Augusta West, hundred of Copley; thence north-westerly along Loudon's Road and north-east of sections 178, 192, 195, and 203, to the north-western corner of the corporate town, north of section 203. Distance, about two miles; number on Schedule A, 186.

2. *Port Augusta and Yardea Main Road.*—Commencing at Loudon's Road, town of Port Augusta West, hundred of Copley; thence south-westerly along Caroon Road, south-east of sections 109 and 52 to the south-western corner of the corporate town, at the west corner of section 1. Distance, about two and a quarter miles; number on Schedule A, 187.

Total length of main roads, about four and a quarter miles.

## PORT ELLIOT DISTRICT COUNCIL DISTRICT.

1. *Willunga Main Road.*—Commencing at west boundary of the district at the south boundary of section 129NW, hundred of Goolwa; thence northerly along west boundary of the district between sections 129NW and 135, 247 and 249, 231 and 237 to the south boundary of the hundred of Nangkita, between sections 228 and 339, and northerly and north-westerly through section 696, between sections 222 and 377, and through sections 317, 320, 323 to the north boundary of the district between sections 213 and 214. Distance, about ten and a quarter miles; number on Schedule A, 36.

2. *Bull's Creek Main Road.*—Commencing at the boundary of the corporate town of Goolwa, between sections 2391 and 2398, hundred of Goolwa; thence north-westerly between sections 2387 and 2394A, and through section 2188 to town of Currency Creek; north along Horatio Street; east along Montefiore Street; north-east along O'Halloran Street; north-west along Sturt Street; around Victoria Square; north-east along Friend Street; north-westerly and across bridge to Bevan Street; north-easterly along Bevan Street; easterly along Edward Street; and northerly along Thompson Place, Hussey Street, and Key Street; thence through sections 2003 and 2025, hundred of Nangkita, and between sections 261 and 262, 1685 and 257, 195 and 196, and through sections 2420, 2424, 2422, to the north boundary of the district north of section 245s. Distance, about eleven miles. number on Schedule A, 20.

Total length of main roads, about twenty-one and a quarter miles.

## PORT GAWLER DISTRICT COUNCIL DISTRICT.

1. *Adelaide and Port Wakefield Main Road.*—Commencing at the south boundary of the district at Gawler River, in section 7596, hundred of Port Gawler; thence north-westerly between sections 434 and 437, 152 and 449, *via* Two Wells, and  
between

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between sections 232 and 333, reserve No. 12 and 339, to the boundary of the district at the north corner of section 368. Distance, about eight and a quarter miles; number on Schedule A, 10.

2. *Two Wells and Mallala Main Road.*—Commencing at Two Wells, at the south west corner of section 456, hundred of Port Gawler; thence easterly to the south-east corner of said section, and northerly between sections 453 and 457, 500 and 501, 539 and 544 to the south boundary of the hundred of Grace between sections 29 and 401; thence to the River Light between sections 21 and 400, at the north boundary of the district. Distance, about six miles; number on Schedule A, 113.

3. *Gawler and Red Banks Main Road.*—Commencing on the east boundary of the district at the south-east corner of section 308, hundred of Grace; thence north-westerly between sections 127 and 129, 113 and 232, 103 and 106, and northerly between sections 10 and 11, 8 and 9 to the River Light between sections 4 and 5 at the north-west boundary of the district. Distance, about six and three-quarter miles; number on Schedule A, 109.

Total length of main roads, about twenty-one miles.

## PORT GERMEIN DISTRICT COUNCIL DISTRICT.

1. *Port Germein and Port Augusta Main Road.*—Commencing at the jetty, town of Port Germein, hundred of Telowie; thence north-easterly along High Street, northerly across park lands and between sections 180 and 198, 187 and 188, and north-westerly to south boundary of the hundred of Baroota between sections 1 and 71; thence northerly between sections 22 and 24, 59 and 62, 131 and 132 to the north boundary of the district between sections 138 and 102. Distance, about fifteen miles; number on Schedule A, 170.

2. *Port Germein to Port Pirie Main Road.*—Commencing at High Street, town of Port Germein, hundred of Telowie; thence south-easterly along First Street and across park lands to between sections 45 and 303, and south-easterly between sections 26 and 353 to the south boundary of the district between sections 1 and 2. Distance, about seven and a quarter miles; number of Schedule A, 161.

3. *Port Germein Gorge Road.*—Commencing at the town of Port Germein, hundred of Telowie; thence north-easterly across park lands and between sections 200 and 203, north-easterly between sections 267 and 268, 52w and 48n to the south boundary of the hundred of Baroota; thence between blocks A and B to the west boundary of the hundred of Wongyarra between sections 216 and 222; easterly between sections 217 and 221, 218 and 219; through sections 460, 459, 123, 121, 116, 114 and between sections 113 and 141 to Wirrabara and Melrose Main Road at the north-west corner of section 150. Distance, about sixteen miles; number on Schedule A, 163.

4. *Wirrabara and Stone Hut Main Road.*—Commencing at the north-west corner of section 150, hundred of Wongyarra; thence southerly between sections 135 and 269, 136 and 236 to the north boundary of the hundred of Appila at the north-west corner of section 236; south-easterly between sections 238 and 451, through sections 3531 and 3532 to the town of Wirrabara, along West Terrace north and High Street, and between sections 269 and 270, 48 and 339, 318 and 353 to the south boundary of the district in section 3522, hundreds of Appila and Booyoolie. Distance, about eleven and a half miles; number on Schedule A, 167. (Road to end at Wirrabara one year after completion of the Booleroo Centre railway.)

5. *Yarrowie and Laura Main Road.*—Commencing at the town of Yarrowie, hundred of Appila; thence south-westerly between sections 189 and 195, 45 and 46, 17 and 18, 11 and 71 to the south boundary of the district between sections 2 and 72. Distance, about six miles; number on Schedule A, 165.

6. *Yarrowie and Tarcowie Main Road.*—Commencing at the town of Yarrowie, hundred of Appila; thence north-easterly between sections 177 and 178, 129s and 50 to the east boundary of the district. Distance, about one and a half miles. number on Schedule A, 165.

7. *Murray Town and White Cliffs Main Road.*—Commencing at the Wirrabara and Melrose Main Road, in section 189, hundred of Wongyarra; thence north-easterly to the west boundary of the hundred of Booleroo, between sections 2 and 26; between sections 29E and 30, 53 and 47E, and easterly between sections 55 and 71, 57 and 69s, 59 and 66, to the east boundary of the district, between sections 62 and 63s. Distance, about thirteen and a half miles; number on Schedule A, 163.

8. *Booleroo*

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8. *Booleroo Centre and Hammond Main Road.*—Commencing at the Murray Town and White Cliffs Main Road, between sections 69s and 70s (Booleroo Centre), hundred of Booleroo; thence northerly between sections 101 and 102s, 119 and 120s, to the south boundary of the hundred of Willowie, between sections 6 and 7, and northerly between sections 59 and 60, 106 and 107, through the town of Willowie to north boundary of district, between sections 132 and 133. Distance, about fifteen and three-quarter miles; number on Schedule A, 164.

9. *Murray Town and Melrose Main Road.*—Commencing on the Port Germein Gorge Main Road, at the north-west corner of section 150, hundred of Wongyarra; thence northerly between sections 149 and 153, 154 and 156, through sections 186, 447, 444, 440, between sections 436 and 437, and north-westerly between sections 100 and 428, 100 and 11, to town of Melrose. Distance, about eleven miles; number on Schedule A, 167.

10. *Melrose and Wilmington Main Road.*—Commencing at the town of Melrose; thence north-easterly to the south boundary of the hundred of Gregory, between sections 500 and 510; thence north-westerly between sections 57 and 270; through sections 513, and between sections 25 and 26, 2 and 3, 233 and 292, to the south boundary of the hundred of Willochra, between sections 162 and 357; thence through the town of Wilmington to the south-west corner of section 379. Distance, about fifteen miles; number on Schedule A, 167.

11. *Wilmington and Port Augusta Main Road.*—Commencing at the junction with the Melrose and Wilmington Main Road, at the south-west corner of section 379, hundred of Willochra; thence south-westerly between block 21 and section 257, to the east boundary of the hundred of Woolundunga, between sections 95 and 948, and south-westerly to the western boundary of the district, between sections 944 and 945. Distance, about two miles; number on Schedule A, 167.

12. *Wilmington and Hammond Main Road.*—Commencing at the junction with the Wilmington and Port Augusta Main Road, at the south-west corner of section 379, hundred of Willochra; thence north-easterly between block 19 and section 367, and between sections 38 and 413, 54 and 19, to the north boundary of the district, at the north-west corner of section 53. Distance, about four and a quarter miles; number on Schedule A, 181.

13. *Wilmington and Bruce Railway Station Main Road.*—Commencing at the Wilmington and Hammond Main Road, at the north-west corner of section 54, hundred of Willochra; thence north-easterly to the north boundary of the district, at the north-west corner of section 19. Distance, about half a mile; number on Schedule A, 183.

14. *Wilmington and Morchard Main Road.*—Commencing at the junction with the Melrose and Wilmington Main Road, at the south-west corner of section 357, hundred of Willochra; thence easterly along hundred boundary to south-east corner of section 23; thence *via* Pinda to the west boundary of the hundred of Willowie, and south-easterly, *via* the township of Willowie, to the east boundary of the district, at the south-east corner of section 113s. Distance, about twenty miles; number on Schedule A, 176.

Total length of main roads, about one hundred and thirty-nine and a quarter miles, including the road from Wirrabara to the south boundary of the district (No. 4).

## PORT MACDONNELL DISTRICT COUNCIL DISTRICT.

1. *Mount Gambier and MacDonnell Bay Main Road.*—Commencing on the north boundary of the district, at the north-east corner of section 482, hundred of MacDonnell; thence southerly between sections 482 and 100; south-westerly through sections 482 and 483; southerly between sections 7 and 29, 45 and 49, 87 and 94, 280 and 291, 371 and 375, 326 and 329, 356 and 357, and between Recreation Grounds and sections 527 and 515 to the town of Port MacDonnell, and south-westerly through said town to the jetty. Distance, about eleven and a half miles; number on Schedule A, 296.

2. *Mount Gambier and Nelson Main Road.*—Commencing on the north boundary of the district at the north-west corner of section 428, hundred of MacDonnell; thence south-easterly between sections 428 and 487 to the east boundary of the hundred at the south corner of section 428; thence, excluding road through section 9, hundred of Caroline; south-easterly between sections 16 and 17 to the town of Caveton, along Portland Road and between sections 401 and 270, 406 and 153,

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379 and 146, 110 and 141, 333 and 324 to the east boundary of the district at the south corner of section 545. Distance, about thirteen and three-quarter miles; number on Schedule A, 297.

Total length of main roads, about twenty-five and a quarter miles.

## CORPORATE TOWN OF PORT PIRIE.

1. *Port Pirie and Port Germein Main Road.*—Commencing at Mary Ellie Street, corporate town of Port Pirie, hundred of Pirie; thence south-easterly through section 2, Solomontown, along Esplanade, and between sections 237 and 248; thence north-easterly, through sections 238, 235E, and easterly along north side of section 235E and portion of section 218; thence north-easterly, to the east boundary of the corporate town at the north-western corner of section 815. Distance, about one and three-quarter miles; number on Schedule A, 161.

2. *Port Pirie and Port Broughton Main Road.*—Commencing at the north-western corner of section 259, hundred of Pirie; thence south-westerly between section 2 and sections 256, 253, and 249; thence across the railway, and between sections 66 and 141, 139 and 144, 133 and 147 to the southern boundary of the corporate town between sections 136 and 150. Distance, about one and a half miles; number on Schedule A, 159.

3. *Warnertown Main Road.*—Commencing on the Port Pirie and Port Germein Main Road, at south-western corner of section 238; thence between sections 233 and 230 to the eastern boundary of the corporate town between sections 210 and 213. Distance, about three-quarters of a mile; number on Schedule A, 162.

Total length of main roads, about four miles.

## CORPORATE TOWN OF PORT WAKEFIELD.

1. *Adelaide and Port Wakefield Main Road.*—Commencing at the Port Wakefield Railway Station, corporate town of Port Wakefield; thence easterly along Edward Street to East Street; thence easterly and southerly through section 2137, and south-easterly through section 2139 to the east boundary of the corporate town. Distance, about ninety-five chains; number on Schedule A, 10.

2. *Port Wakefield and Lochiel Main Road.*—Commencing at the intersection of Edward Street and Main Street, corporate town of Port Wakefield; thence north-easterly along Main Street and northerly between sections 2128 and 2130 to the northern boundary of the corporate town. Distance, about sixty chains; number on Schedule A, 117.

Total length of main roads, about one mile seventy-five chains.

## PORT WAKEFIELD DISTRICT COUNCIL DISTRICT.

1. *Port Wakefield and Lochiel Main Road.*—Commencing at the boundary of the corporate town of Port Wakefield between sections 2120 and 2121, hundred of Goyder; thence northerly and north-easterly between sections 2118 and 2119, through section 2111, and between sections 5 and 18, 41 and 42, 103 and 105, 585 and 406, 383 and 394 to north boundary of the district between sections 259 and 260. Distance, about thirteen miles; number on Schedule A, 117.

2. *Adelaide and Port Wakefield Main Road.*—Commencing at the south boundary of the district between sections 311 and 334, hundred of Inkerman; thence north-westerly between sections 392 and 399, 312 and 324, 80 and 87 to the east boundary of the corporate town of Port Wakefield at section 2139. Distance, about thirteen miles; number on Schedule A, 10.

3. *Lorne Main Road.*—Commencing at the east boundary of the hundred of Inkerman, between sections 305 and 306; thence westerly to the north-east corner of section 339, hundred of Inkerman; thence south-westerly between sections 340 and 396, 2 and 3 to the town of Lorne, along First Street to the Esplanade. Distance, about four and three-quarter miles; numbers on Schedule A, 114 and 115.

Total length of main roads, about thirty and three-quarter miles.

## PROSPECT DISTRICT COUNCIL DISTRICT.

1. *Main North Road.*—Commencing on the south boundary of the district at the south-west corner of section 2062, hundred of Yatala; thence northerly between sections 346 and 351, 344 and 353 to the north boundary of the district at the north-east

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east corner of section 354. Distance, about one hundred and thirty chains; number on Schedule A, 3.

2. *Main Lower North Road*.—Commencing on the south boundary of the district at the south corner of section 2066, hundred of Yatala; thence northerly between sections 372 and 374, 369 and 377 to the north boundary of the district, at the north-west corner of section 367. Distance, about one hundred and forty-nine chains; number on Schedule A, 1.

3. *Irish Harp Main Road*.—Commencing on the North Road, at the north-west corner of section 368, hundred of Yatala; thence between sections 353 and 354 to the south-east corner of 354. Distance, about one mile; number on Schedule A, 8.

Total length of main roads, about four miles thirty-nine chains.

## CORPORATE TOWN OF QUORN.

1. *Mount Arden Road*.—Commencing at the post office, allotment 21, corporate town of Quorn, hundred of Pichi Richi; thence south-westerly along Railway Terrace to near allotment 1, and westerly across the railway line, and north-westerly between park lands and sections 194, 208, and 209, to the north-west corner of the corporate town, at the north-east corner of section 209. Distance, about three-quarters of a mile; number on Schedule A, 184.

2. *Capowie Ford Main Road*.—Commencing at Railway Terrace, Quorn; thence through Sixth Street over the Capowie Ford to the corporation boundary, between sections 165 and 166. Distance, about fifty-four chains; number on Schedule A, 184.

Total length of main roads, about one mile thirty-four chains.

## RAPID BAY DISTRICT COUNCIL DISTRICT.

1. *Yankalilla and Cape Jervis Main Road*.—Commencing at the north-east boundary of the district between sections 79 and 80, hundred of Yankalilla; thence southerly through sections 1111 and between sections 1110 and 1103, 1109 and 1108; south-westerly through sections 1600, 1597, 1592, 1582, 1571, 1563, and southerly through sections 1557, 1540, 1541, 1535; thence south-westerly through sections 1533, 1524, 1522, 1519, and between sections 162 and 165, 66 and 204, to the south boundary of the hundred at the south-east corner of section 216; thence westerly, following said boundary, to the south-west corner of section 127; north-westerly through section 3005, and westerly between sections 3001 and 3004 to the seacoast at Cape Jervis. Distance, about sixteen and a half miles; number on Schedule A, 23.

2. *Bryant's Corner and Second Valley Main Road*.—Commencing at the Yankalilla and Cape Jervis Main Road, south of section 1564, hundred of Yankalilla; thence north-westerly through section 1564 and between sections 1556 and 1565, 1555 and 1566, and through section 1554 to the jetty. Distance, about one and a quarter miles; number on Schedule A, 41.

Total length of main roads, about seventeen and three-quarter miles.

## REMARK IRRIGATION TRUST DISTRICT.

1. *Ral Ral Avenue*.—Commencing at the west boundary of the district of Hamley; thence north-westerly along Ral Ral Avenue to the west boundary of the Trust District. Distance, about three and three-quarter miles; number on Schedule A, 185.

2. *Remark Avenue*.—Commencing at the boundary of the district of Hamley; thence along Remark Avenue to the south-west boundary of the Trust District. Distance, about three and a quarter miles; number on Schedule A, 85.

Total length of main roads, about seven miles.

## RHYNIE DISTRICT COUNCIL DISTRICT.

1. *Old North Road*.—Commencing at the north-east corner of the district, section 125, hundreds of Alma and Saddleworth; thence south-easterly along the eastern boundary of the district to the south-east corner of section 722, hundred of Alma. Distance, about eleven miles; number on Schedule A, 73.

2. *The*

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2. *The Peak Main Road.*—Commencing on the Tarlee and Rhynie Main Road, between sections 722 and 724, hundred of Alma ; thence between sections 716 and 446 to the west boundary of the district, between sections 714 and 726. Distance, about four and a half miles ; number on Schedule A, 120.

Total length of main roads, about fifteen and a half miles.

## ROBE DISTRICT COUNCIL DISTRICT.

1. *Robe and Penola Main Road.*—Commencing at the jetty, town of Robe, hundred of Waterhouse ; thence easterly along Mundy Terrace, and between sections 310 and 311, 14 and 113, 185 and 186, 102 and 105, to the west boundary of the hundred of Bray, and between sections 128 and 132, 38 and 27, 33 and 31, to the west boundary of the hundred of Smith, between sections 2 and 27 ; thence south-easterly between sections 26 and 7 to the south boundary of the district, at the south-east corner of section 11. Distance, about twenty-seven and a half miles ; number on Schedule A, 313.

2. *Beachport Main Road.*—Commencing on the Robe and Penola Main Road, at the north corner of section 43, hundred of Bray ; thence southerly between block 1 and sections 108 and 95, and south-easterly between sections 95 and 22, 21 and 2, to the south boundary of the district, between sections 5 and 80. Distance, about six and a half miles ; number on Schedule A, 314.

3. *Robe and Kingston Main Road.*—Commencing on the Robe and Penola Main Road, between sections 310 and 401, hundred of Waterhouse ; thence northerly between sections 194 and 430, 198 and 455, 280 and 283, 483 and 495, to the north boundary of the district, between sections 158 and 159. Distance, about ten and a half miles ; number on Schedule A, 310.

Total length of main roads, about forty-four and a half miles.

## SADDLEWORTH DISTRICT COUNCIL DISTRICT.

1. *Manoora and Waterloo Main Road.*—Commencing at the south-west corner of section 261, hundred of Saddleworth ; thence easterly across the railway line, through section 261, between sections 262 and 265, 15 and 17, and through section 46 to the eastern boundary of the district. Distance, about two and a quarter miles ; number on Schedule A, 129.

2. *Manoora and Auburn Main Road.*—Commencing at the south-west corner of section 261, hundred of Saddleworth ; thence westerly between sections 260 and 267, 258 and 269, south-westerly through sections 121 and 122, through section 151 to the south-east boundary of the hundred of Stanley, at the south-east corner of section 100, and westerly between sections 92 and 93 to the west boundary of the district. Distance, about three and three-quarter miles ; number on Schedule A, 128.

3. *Manoora and Koorunga Main Road.*—Commencing at the south-west corner of section 261, hundred of Saddleworth ; thence northerly between sections 260 and 261, 178 and 179, 168 and 169, 155 and 162, and through section 114 to the north boundary of the district. Distance, about three and a quarter miles ; number on Schedule A, 130.

4. *Marrabel and Saddleworth Main Road.*—Commencing at the south boundary of the district, in section 5, hundred of Saddleworth ; thence north-westerly between sections 4 and 9, 397 and 402, and through sections 2801, 2800 to join the Saddleworth and Clare Main Road at the western boundary of section 2800. Distance, about two and three-quarter miles ; number on Schedule A, 124.

5. *Saddleworth and Clare Main Road.*—Commencing at the Marrabel and Saddleworth Main Road, on the western boundary of section 2800, hundred of Saddleworth ; thence northerly between sections 2800 and 443, north-westerly between sections 411 and 412 ; westerly through section 441 and between sections 292 and 305, 295 and 303 to the west boundary of the district, at the west corner of section 254. Distance, about four miles ; number on Schedule A, 126.

6. *Saddleworth and Steelton Main Road.*—Commencing at the Saddleworth and Clare Main Road at the south corner of section 412, hundred of Saddleworth ; thence north-easterly between sections 412 and 2803 ; south-easterly between sections 413 and 2803 ; north-easterly through section 413, and between sections 382 and 390, through section 365 ; and easterly between sections 366 and 367, 3079 and



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70 to the east boundary of the district between sections 63 and 68. Distance, about five miles; number on Schedule A, 125.

Total length of main roads, about twenty-one miles.

## SNOWTOWN DISTRICT COUNCIL DISTRICT.

1. *Port Wakefield and Redhill Main Road*.—Commencing on the southern boundary of the district, between sections 3 and 260, hundred of Cameron; thence generally in a northerly direction between sections 12 and 541, 178 and 543N, past the town of Lochiel, between sections 254 and block A, 63 and 556, 158 and 558, 145 and 560, to the south boundary of the hundred of Barunga, between sections 153 and 710; thence between sections 28 and 720, through the town of Snowtown, between sections 117 and 744, 194 and 160 199 and 695, to the north boundary of the district, between sections 41 and 303. Distance, about twenty-seven miles; number on Schedule A, 117.

2. *Brinkworth and Redhill Main Road*.—Commencing at the south-east corner of section 219, hundred of Boucaut; thence northerly along the eastern boundary of the hundred to the south corner of section 258, and north-westerly to the north-boundary of the district, between sections 258 and 256E. Distance, about five and three-quarter miles; number on Schedule A, 134.

3. *Mundoora and Percyton Main Road*.—Commencing at Barunga Gap Railway Station, town of Percyton, hundred of Cameron; thence north-westerly to the south boundary of the hundred of Barunga, between sections 72 and 73, and north-westerly and northerly between sections 74W and 74E, 107 and 91, 246 and 252, 239 and 265, 205 and 206, to the north boundary of the district, between sections 212 and 213. Distance, about fourteen and a half miles; number on Schedule A, 194.

Total length of main roads, about forty-seven and a quarter miles.

## SOUTH RHINE DISTRICT COUNCIL DISTRICT.

1. *Mannum Main Road*.—Commencing at the Blumberg and Mount Pleasant Main Road, in section 1303, hundred of Talunga; thence south-easterly through said section to its south boundary. Distance, about a quarter of a mile; number on Schedule A, 2.

2. *Blumberg and Angaston Main Road*.—Commencing at the south-west corner of the district, at section 1303, hundred of Talunga; thence north-easterly through sections 7116, 7113, 7051, 7048, to the town of Mount Pleasant; through sections 7044, 7042, 7039, to the west boundary of the hundred of South Rhine, between sections 406 and 407; northerly through sections 163, 619, 601, and between sections 583 and 584, 538 and 539, 47 and 28; north-westerly between sections 152 and 154 to the south boundary of the hundred of Moorooroo, between sections 882 and 883; through section 492, and between sections 489 and 493, and north-easterly to the north boundary of the district, between sections 484 and 485. Distance, about seventeen miles; numbers on Schedule A, 63 and 86.

3. *Cook's Hill Main Road*.—Commencing at the main road from Mount Pleasant to Angaston, between sections 7042 and 7043, hundred of Talunga; thence south-easterly between sections 6419 and 7058 to the west boundary of the hundred of South Rhine, between sections 411 and 412; easterly through sections 411, 416, 430, 447, 446, 445, between sections 326 and 327, 660 and 322, and through sections 659 and 657, to the eastern boundray of the district, in section 656. Distance, about ten miles; number on Schedule A, 65.

Total length of main roads, about twenty-seven and a quarter miles.

## SPALDING DISTRICT COUNCIL DISTRICT.

1. *Spalding and Jamestown Main Road*.—Commencing at the town of Spalding, at the south corner of section 393, hundred of Andrews; thence north-easterly between sections 391 and 392 to the south boundary of the hundred of Reynolds, between sections 92 and 103, and north-easterly between sections 90 and 99, 77 and 93, 152 and 153, to the north boundary of the district, between sections 171 and 174. Distance, about twelve miles; number on Schedule A, 157.

2. *Spalding and Gulgare South Main Road*.—Commencing at the town of Spalding, at the south corner of section 393, hundred of Andrews; thence north-westerly between

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between sections 390 and 391, to the south boundary of the hundred of Reynolds between sections 91 and 220E; thence to the north-east corner of section 220E, and westerly between sections 220W and 218S, and through sections 219E and 219W, to the western boundary of the District. Distance, about six miles; number on Schedule A, 156.

3. *Spalding South Main Road*.—Commencing at the south-east corner of allotment 1, town of Spalding; thence south-easterly between sections 349 and 396, hundred of Andrews, and along west boundary of section 398 to south corner of section. Distance, about two miles; number on Schedule A, 157.

Total length of main roads, about twenty miles.

## STANLEY DISTRICT COUNCIL DISTRICT.

1. *Sevenhills to Mintaro Railway Station Main Road*.—Commencing on the west boundary of the district, at the north-west corner of section 306, hundred of Clare; thence easterly between sections 166 and 168; south-easterly through section 339 and between sections 324 and 325; easterly between sections 330 and 358; southerly between sections 338 and 343; easterly to the west boundary of the hundred of Stanley, between sections 121 and 2162; through sections 123, 124, and between sections 333 and 237, to the Mintaro Railway Station. Distance, about eight miles; number on Schedule A, 131.

Total length of main roads, about eight miles.

## STIRLING DISTRICT COUNCIL DISTRICT.

1. *Mount Barker Main Road*.—Commencing at the north corner of section 922, hundred of Adelaide; thence south-easterly between sections 952 and 990, 964 and 987, to the west boundary of the hundred, between sections 964 and 986; thence easterly through section 2797, hundred of Noarlunga, and between sections 46 and 53, 44 and 94, 1142 and 92, 89 and 90, 85 and 86, and through section 82, to the centre of bridge over the River Onkaparinga. Distance, about nine miles; number on Schedule A, 46.

2. *Balhannah Main Road*.—Commencing at the Mount Barker Main Road, in section 81, hundred of Noarlunga; thence north-easterly to the north boundary of the district. Distance, about a quarter of a mile; number on Schedule A, 46.

3. *Echunga Main Road*.—Commencing at the Mount Barker Main Road, in section 92, hundred of Noarlunga; thence south-easterly between sections 87 and 439, and southerly between sections 446 and 971, 960 and 961, to the township of Mylor, and thence to the centre of Hack's Bridge over the River Onkaparinga, in section 3325. Distance, about four miles; number on Schedule A, 18.

4. *Avenue Road*.—Commencing at the Mount Barker Main Road, in section 51, hundred of Noarlunga; thence south-westerly through sections 51 and 48 to the Mount Lofty Railway Station. Distance, about half a mile; number on Schedule A, 42.

Total length of main roads, about thirteen and three-quarter miles.

## STOCKPORT DISTRICT COUNCIL DISTRICT.

1. *Linwood and Tarlee Main Road*.—Commencing at the centre of the Linwood Bridge, River Light, on the east boundary of section 592, hundred of Light; thence northerly along the east boundary of the district, between sections 295 and 296, 280 and 315, 38 and 312, to the north boundary of the hundred of Light, between sections 24 and 269. Distance, about four and a quarter miles; number on Schedule A, 73.

2. *Stockport and Kapunda Main Road*.—Commencing at the Stockport Railway Station, section 283, hundred of Light; thence easterly between sections 52 and 57, 55 and 273, to the Linwood and Tarlee Main Road, between sections 280 and 283. Distance, about three and a quarter miles; number on Schedule A, 93.

Total length of main roads, about seven and a half miles.

## CORPORATE TOWN OF ST. PETERS.

1. *Hackney Main Road*.—Commencing at the south-west corner of the corporate town of St. Peters, hundred of Adelaide; thence northerly along Hackney Road, west

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west of section 256, to the River Torrens. Distance, about fifty-four chains; number on Schedule A, 9.

2. *Payneham Main Road*.—Commencing at the south-western corner of section 256; thence between sections 255 and 256 (one-third width of road only) to Kent Terrace; thence (full width of road) between sections 257 and 259 to the eastern corner of section 280; thence (one-third width of road) to the southern corner of section 282. Distance, about one mile forty-eight chains, of which fifty-five chains is one-third width only; number on Schedule A, 4.

3. *Magill Main Road*.—Commencing at the Payneham Main Road, between sections 255 and 257, hundred of Adelaide; thence easterly by about half-width of road to Kensington Terrace at the north-eastern corner of section 277. Distance, about one mile, of which the whole is half-width only; number on Schedule A, 11.

Total length of main roads, about three miles twenty-two chains, of which one mile is half width and fifty-five chains one-third width.

## CORPORATE TOWN OF STRATHALBYN.

1. *Strathalbyn and Langhorne's Creek Main Road*.—Commencing at the post office, part allotment 94, town of Strathalbyn, hundred of Strathalbyn; thence south-easterly to the eastern boundary of the corporate town, at the east boundary of section 2603. Distance, about one mile; number on Schedule A, 55.

2. *Strathalbyn and Callington Main Road*.—Commencing at the Strathalbyn and Langhorne's Creek Main Road, hundred of Strathalbyn; thence north-easterly to the north-east boundary of the corporate town, at the north-east corner of section 2605. Distance, about half a mile; number on Schedule A, 56.

3. *Ashbourne Main Road*.—Commencing at the Strathalbyn Railway Station; thence northly and westerly to the boundary of the corporate town, east of section 2613, hundred of Kondoparinga. Distance, about 60 chains; number on Schedule A, 59.

Total length of main roads, about one and a half miles.

## STRATHALBYN DISTRICT COUNCIL DISTRICT.

1. *Strathalbyn and Callington Main Road*.—Commencing at the corporate town of Strathalbyn at the north corner of section 2605, hundred of Strathalbyn; thence north-easterly between sections 11 and 2632, 50 and 51 to the east boundary of the district between sections 47 and 54. Distance, about two miles; number on Schedule A, 56.

2. *Strathalbyn and Langhorne's Creek Main Road*.—Commencing at the corporate town of Strathalbyn at the south-east boundary of section 2603, hundreds of Strathalbyn and Bremer; thence south-easterly, following the south boundary of the hundred of Strathalbyn, to the south-east corner of section 2617, hundred of Strathalbyn. Distance, about three and a half miles; number on Schedule A, 55.

3. *Mount Barker and Hartley Main Road*.—Commencing on the north boundary of the district at the north corner of section 1404, hundred of Strathalbyn; thence south-easterly along the district boundary to the north-east corner of section 1405. Distance, about one mile; number on Schedule A, 53.

4. *Strathalbyn and Ashbourne Main Road*.—Commencing at the corporate town of Strathalbyn at the east boundary of section 2611, hundred of Kondoparinga; thence south-westerly through sections 2613, 2618, and between sections 1872 and 2618; thence between sections 1871 and 1873, 1881 and 1867, 1864 and 1866 to the west boundary of the district at the south-corner of section 1866. Distance, about four and a half miles; number on Schedule A, 59.

Total length of main roads, about eleven miles.

## STREAKY BAY DISTRICT COUNCIL DISTRICT.

1. *Port Lincoln Main Road*.—Commencing at the post office, town of Flinders, hundred of Ripon; thence southerly along Bay Road and south-easterly between sections 113 and 143, 161 and 277 to the west boundary of the hundred of Forrest in block 8sw; between blocks 10 and 18b to the west boundary of the hundred of Campbell between blocks 13b and 13c; between blocks 12 and 12a to the north boundary of the hundred of Rounsevell between sections 9 and 192; thence between blocks 2a and 9, and through block 8 to the western boundary of the hundred of Witera

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Witera at the north-west corner of block 11; thence through block 11 to the north boundary of the hundred of Wright in block 10, and to the south boundary of the district between blocks 14A and 14B. Distance, about thirty-five miles; number on Schedule A, 240.

2. *Fowler's Bay Main Road*.—Commencing at the post office, allotment 24, town of Flinders, hundred of Ripon; thence easterly along Alfred Terrace, north of section 105, hundred of Ripon; between sections 19AW and 19BSW, hundred of Scott; through section 19BNE, between sections 20A and 170 to north boundary of the hundred of Scott at north-west corner of section 20BN. Distance, about twelve and a half miles; number on Schedule A, 250.

3. *Parraba Main Road*.—Commencing on the Fowler's Bay Main Road at north-west corner of section 19AE, hundred of Scott; thence between blocks 170 and 17P, 17HW and 17D to the west boundary of the hundred of Murray between blocks 17HM and 17D, and easterly between blocks 17E and 17J to Parraba Well. Distance, about seventeen miles; number on Schedule A, 249.

4. *Scales Bay Main Road*.—Commencing at the Port Lincoln Main Road between blocks 2A and D, hundred of Rounsevell; thence westerly between sections 133 and 153, 131 and 159 to the east boundary of the hundred of Wrenfordsley between sections 93 and 124, and between sections 89 and 120, 81 and 114, 103 and 112 to the town of Yanera, and along the Parade to the jetty. Distance, about twenty miles; number on Schedule A, 248.

Total length of main roads, about eighty-four and a half miles.

## TALUNGA DISTRICT COUNCIL DISTRICT.

1. *North-Eastern Main Road*.—Commencing at the western boundary of the district, section 6116, hundreds of Talunga and Para Wirra; thence north-easterly through sections 6154, 6350, hundred of Talunga, and between sections 6068 and 6069, and through sections 6064, 6061, through town of Gumeracha; thence through sections 6046, 6583, 6581, 6579, 6586, through town of Blumberg, and through sections 6588, 6594, 6607, 6610, and 1306 to the north-eastern boundary of the district at the eastern boundary of section 1302. Distance, about eleven miles; number on Schedule A, 2.

2. *Woodside Main Road*.—Commencing at the south boundary of the district in section 6505, hundreds of Talunga and Onkaparinga; thence north-easterly through Mount Torrens and sections 6507, 6228, hundred of Talunga, and between sections 6231 and 6234; thence through sections 6235, 6241, 6243 to the eastern boundary of the district. Distance, about four miles; number on Schedule A, 11.

3. *Mount Torrens and Blumberg Main Road*.—Commencing at the Eastern Main Road in section 6507, hundred of Talunga; thence northerly between sections 6519 and 6520, 6537 and 6538 to the North-Eastern Main Road between sections 6594 and 6595. Distance, about four miles; number on Schedule A, 12.

4. *Blumberg and Bonney's Flat Main Road*.—Commencing at the North-Eastern Main Road between sections 6585 and 6586, hundred of Talunga; thence northerly between sections 6601 and 6602, and through section 6616; northerly between sections 6620 and 6621, 204 and 6630 to the north boundary of the district between sections 203 and 6632. Distance, about three and three-quarter miles; number on Schedule A, 80.

5. *Millbrook and Lobethal Main Road*.—Commencing at the west boundary of the district at the bridge over the River Torrens in section 6124, hundred of Talunga; thence south-easterly through sections 6119, 6096, 6095, 6321, 6320, and 6164 to the south boundary of the district at the south boundary of section 6318. Distance, about four and a quarter miles; number on Schedule A, 49.

Total length of main roads, about twenty-seven miles.

## TANTANOOLA DISTRICT COUNCIL DISTRICT.

1. *Tantanoola Railway Station to Glencoe Main Road*.—Commencing at Tantanoola Railway Station, town of Tantanoola, hundred of Hindmarsh; thence along Railway Terrace East, and north-easterly between sections 324 and 325, 52 and 55; easterly between sections 54 and 55, 123 and 272, 149 and 277; northerly between sections 58 and 149, 88 and 70; easterly between sections 69 and 70, 66 and 73, 2294 and 2307; and southerly between sections 2534 and 2352; thence easterly between

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between sections 2408 and 2026 to the east boundary of the district between sections 2411 and 2423. Distance, about eleven and a quarter miles; number on Schedule A, 301.

2. *Millicent and Mount Gambier Road*.—Commencing on the Tantanoola and Glencoe Road at section 55, hundred of Hindmarsh; thence between sections 52 and 371 to the boundary of district at south-west corner of section 334. Distance, about half a mile; number on Schedule A, 308.

Total length of main roads, about eleven and three-quarter miles.

## TANUNDA DISTRICT COUNCIL DISTRICT.

1. *Lyndoch and Nuriootpa Main Road*.—Commencing at the south-west boundary of the district between sections 626 and 627, hundred of Moorooroo; thence northerly between sections 629 and 630, through sections 647, 645, 665, and north-westerly between sections 41 and 665; thence north-easterly through sections 41, 39, 21, and between sections 23 and 904 to the north boundary of the district at the north-east corner of section 904. Distance, about four and a half miles; number on Schedule A, 89.

Total length of main roads, about four and a half miles.

## TATIARA DISTRICT COUNCIL DISTRICT.

1. *Border Main Road*.—Commencing at allotment 113, Bordertown, hundred of Tatiara; thence northerly along McLeod Street, and easterly along North Terrace, across park lands and between sections 40 and 42, 304 and 313 to cross roads at south-west corner of section 325. Distance, about five and a half miles; number on Schedule A, 276.

2. *Nalang Main Road*.—Commencing at allotment 113, Bordertown, hundred of Tatiara; thence southerly between sections 62 and 82, 196 and 227, 218 and 219; thence south-westerly between sections 718 and 243, 245 and 252, and southerly to the south-west corner of section 251. Distance, about six and a half miles; number on Schedule A, 278.

3. *Mundalla Main Road*.—Commencing at allotment 113, Bordertown, hundred of Tatiara; thence south-westerly across park lands and between sections 90 and 91, 137 and 143 to the east boundary of the hundred of Wirrega between stone reserve No. 6 and section 60; thence between sections 57 and 59; southerly between sections 55 and 64, 138 and 221; and south-westerly across park lands and along Nalang Road and Wirrega Road to the south-west corner of allotment 48, town of Mundalla. Distance, about six miles; number on Schedule A, 277.

4. *Buckingham Main Road*.—Commencing at allotment 42, town of Mundalla, hundred of Wirrega; thence north-westerly along North Road Street and across park lands and between sections 722 and 724, 42 and 67, 262 and 274, 260 and 279 to the east corner of section 283. Distance, about eight miles; number on Schedule A, 277.

5. *Pooginagoric Whim Well Main Road*.—Commencing at the western end of Railway Terrace, town of Wolseley, hundred of Tatiara, along West Terrace and across park lands; thence south-westerly between sections 730 and 731, 356s and 357; southerly between water reserve No. 12 and section 279; and south-westerly between sections 284 and 285 to water reserve No. 21. Distance, about six and a quarter miles; number on Schedule A, 282.

6. *Lockhart Main Road*.—Commencing at the west corner of section 353, hundred of Tatiara; thence north-easterly between sections 353 and 347 to the eastern boundary of the district between sections 340s and 350. Distance, about three and a half miles; number on Schedule A, 283.

7. *Pine Hill Main Road*.—Commencing at the south-west corner of section 346s, hundred of Tatiara; thence northerly between sections 332 and 346n, 322, and 344w, 320 and 335 to water reserve No. 19. Distance, about five and a half miles; number on Schedule A, 284.

8. *McBane's Station Main Road*.—Commencing at Keith Railway Station; thence south-westerly between sections 302 and 303, hundred of Stirling, sections 140 and 333 to south-east corner of section 140. Distance, about two miles; number on Schedule A, 279.

9. *Cannawigra*

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9. *Cannawigra Main Road*.—Commencing on the Bordertown and Milang Main Road, town of Bordertown; thence between sections 1 and 94, 127 and 134, hundred of Tatiara, sections 2 and 14, 28 and 199 to south-east corner of section 229, hundred of Wirrega. Distance, about eight miles; number on Schedule A, 280.

10. *Senior Main Road*.—Commencing on the Bordertown and Border Main Road; between sections 38 and 40, 440 and 443, hundred of Tatiara, to south-boundary of the hundred of Senior at sections 447 and 448, hundred of Tatiara. Distance, about five miles; number on Schedule A, 281.

Total length of main roads, about fifty-six and a quarter miles.

## TEATREE GULLY DISTRICT COUNCIL DISTRICT.

1. *North-Eastern Main Road*.—Commencing at the north-west corner of section 307, hundred of Yatala; thence north-easterly through sections 1561, 839, 842; between sections 843 and 1565, 844 and 1576; through 1577; easterly between sections 5486 and 5487, 5484 and 5485; thence south-easterly through sections 5500, 1559, north-easterly through section 5640, and southerly and easterly through sections 5398, 5657, to join the Inglewood Main Road in section 5513. Distance, about seven and a half miles; number on Schedule A, 2.

2. *Modbury and Sampson's Flat Main Road*.—Commencing at the North-Eastern Road, near Modbury, in section 1575, hundred of Yatala; thence north-easterly through sections 1575, 1589, 1595, 2128, 2143, 5466, 2158, and between sections 5458 and 5459; thence easterly, south-easterly, and north-easterly through sections 2169, 2179, 2178, and between sections 163 and 164, 162 and 166; through section 1734; northerly through section 1733; between sections 1732 and 1733, and through sections 1731, 5615, to the north-east corner of the district, in section 5616. Distance, about nine miles; number on Schedule A, 60.

3. *Grand Junction and Teatree Gully Main Road*.—PART I.—Commencing at the west boundary of the district, at Dry Creek, in section 1566, hundred of Yatala; thence easterly to the north-west corner of section 307. PART II.—Commencing at the south boundary of the district, at the south-west corner of section 5629, hundred of Yatala; thence north-easterly through sections 5629, 5500, to join North-Eastern Main Road at Teatree Gully, at the north-west corner of section 5630. Total distance, about two miles; number on Schedule A, 6.

Total length of main roads, about eighteen and a half miles.

## TEROWIE DISTRICT COUNCIL DISTRICT.

1. *Terowie and Franklyn Main Road*.—Commencing at the western boundary of the hundred of Terowie between sections 123 and 155; thence north-easterly between sections 157 and 125, *via* town of Terowie, over railway crossing; thence between sections 312 and 293, 346 and 303, 307 and 305, and between blocks B and C to the east boundary of the hundred. Distance, about eight and a quarter miles; number on Schedule A, 141.

2. *Terowie and Lancelot Main Road*.—Commencing at the corner of Main Street and Taylor Street, town of Terowie, hundred of Terowie; thence north-easterly along east boundary of sections 342, 336 to the north boundary of the district at the north-east corner of section 326. Distance, about four miles; number on Schedule A, 140.

3. *Yarcowie and Wonna Main Road*.—Commencing at Yarcowie Railway Station, town of Yarcowie, hundred of Whyte; thence north-easterly and easterly to the west boundary of the hundred of Terowie between sections 159 and 161; north-easterly between sections 48 and 53, 240 and 251, 280 and 257; and easterly between sections 258 and 286, blocks D and E to the east boundary of the hundred between block E and section 351. Distance, about nine miles; number on Schedule A, 139.

4. *Yarcowie and Jamestown Main Road*.—Commencing at Yarcowie Railway Station, town of Yarcowie, hundred of Whyte; thence northerly and westerly between sections 423 and 424, 319 and 323, 281 and 282, and north-westerly between sections 55 and 277 to the western boundary of the district at the western corner of section 274. Distance, about seven and a half miles; number on Schedule A, 138.

Total length of main roads, about twenty-eight and three-quarter miles.

CORPORATE

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## CORPORATE TOWN OF THEBARTON.

1. *Adelaide and Henley Beach Main Road.*—Commencing at the eastern boundary of the corporate town near the railway crossing; thence westerly through section 2 and between sections 47 and 48 to Rankine Road. Distance, about ninety chains; number on Schedule A, 24.

2. *South Main Road.*—Commencing at the south boundary of the corporate town, between sections 3 and 48; thence northerly between said sections and between sections 46 and 47 to the north boundary of the corporate town. Distance, about one hundred chains; number on Schedule A, 32.

3. *Adelaide and Port Adelaide Main Road.*—Commencing on the eastern boundary of the corporate town, about sixty chains north of its south-east corner; thence northerly to the north-east corner of the said corporate town. Distance, about fifty-five chains; number on Schedule A, 27.

4. *East Terrace Main Road.*—Commencing on the Port Road near the Squatters' Arms Hotel; thence along East Terrace to Henley Beach Main Road. Distance, about twenty-five chains; number on Schedule A, 29.

Total length of main roads, about three miles thirty chains.

## TRURO DISTRICT COUNCIL DISTRICT.

1. *Tanunda and Blanchetown Main Road.*—Commencing at the west boundary of the district in section 238, hundreds of North Rhine, Belvidere, and Moorooroo; thence easterly through sections 244, 246, 247, *via* the town of Truro, and between sections 255 and 445, 215 and 289; through sections 207 and 202, between sections 199 and 201, 44 and 305, 118 and 117 to the west boundary of the hundred of Anna between sections 115 and 130, and easterly between sections 132 and 117 to the cross roads at the south-east corner of section 134. Distance, about twelve miles; number on Schedule A, 77.

2. *Dutton Main Road.*—Commencing at south-west corner of section 255, hundred of Dutton; thence between sections 256 and 253, 96 and 97, 93 and 96, and west of section 236 to town of Dutton. Distance, about four miles; number on Schedule A, 78.

Total length of main roads, about sixteen miles.

## TUMBY BAY DISTRICT COUNCIL DISTRICT.

1. *Main North Road.*—Commencing at the south boundary of the district, between section 2 and block D, hundred of Koppio; thence north-easterly to the western boundary of the hundred of Hutchison, at the south corner of section 163, and between sections 181 and 244, 209 and 237, 515 and 517, 84 and 85, 75 and 76, to the south boundary of the hundred of Yaranyacka; thence between sections 5 and 7, and between sections 216 and 217, 101 and 151, 116 and 117, to the south-west corner of section 141. Distance, about twenty-two and a half miles; number on Schedule A, 225.

2. *Koppio Main Road.*—Commencing at the south boundary of the district, between sections 69 and 205, hundred of Koppio; thence northerly between sections 65 and 215, and through section 70 to north-west corner of section 218. Distance, about four and a half miles; number on Schedule A, 227.

3. *Tumby Bay and Yallunda Flat Main Road.*—Commencing at the new jetty, town of Tumby, hundred of Hutchison; thence along South Terrace, Spencer Street, and North Terrace, and between block V and section 235, sections 35 and 40, 94 and 99, 157 and 162, to south-west corner of section 79. Distance, about fourteen and a half miles; number on Schedule A, 228.

4. *Lipson Main Road.*—Commencing at the new jetty, town of Tumby, hundred of Hutchison; thence along Tumby Terrace and North Terrace and through section 820, and between sections 815 and 816, 91 and 92 to the Main North Road, at the north-east corner of section 85. Distance, about three miles; number on Schedule A, 229.

5. *Lipson Cove Main Road.*—Commencing at Lipson Cove Jetty, hundred of Yaranyacka; thence northerly through section 833 and block Fs; westerly between blocks Fs and FNE, sections 193 and 194, 122 and 135, 118 and 136, to the Main North Road, south of section 137. Distance, about four and three-quarter miles; number on Schedule A, 232.

6. *Stokes*

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6. *Stokes Main Road*.—Commencing at the Main North Road, south of section 90, hundred of Hutchison; thence north-westerly between sections 90 and 515, 81 and 513, and through sections 142, 140, to the south-east corner of the hundred of Stokes; thence westerly along boundary of hundred, and north-westerly between blocks 6A and 6B; south-westerly between blocks 3A and 1; north-easterly between sections 9w and 31, and westerly between sections 10 and 30, 15 and 27, to Kapinka. Distance, about fifteen and a quarter miles; number on Schedule A, 233.

7. *Dutton Bay Main Road*.—Commencing at the new landing-place, Dutton Bay, to south-east corner of section 11, hundred of Dixon; thence between sections 12 and 13, 12 and 6, hundred of Dixon, sections 7 and 14, hundred of Butler, to boundary of hundred between sections 11 and 12. Distance, about seventeen miles; number on Schedule A, 230.

Total length of main roads, about eighty-one and a half miles.

## TUNGKILLO DISTRICT COUNCIL DISTRICT.

1. *Adelaide to Mannum Main Road*.—Commencing at the west boundary of the district in section 7075, hundred of Tungkillo; thence easterly through section 7080 and between sections 219 and 272, 264 and 269, 265 and 266 to Tungkillo; through sections 190, 185, 182; south-easterly between sections 180 and 254, and through sections 181 and 960 to the east boundary of the district, between sections 25 and 76, hundred of Finnis. Distance, about ten miles; number on Schedule A, 2.

2. *Palmer to Monarto Main Road*.—PART I.—Commencing at the township of Palmer, hundred of Tungkillo; thence southerly through section 960, between sections 356 and 358, 352 and 360; south-easterly between sections 353 and 351, 341 and 342 to the eastern boundary of the district; and southerly along said boundary to the south corner of section 462. PART II.—Commencing at the eastern boundary of the district between sections 472 and 473, hundred of Tungkillo; thence westerly between sections 471, 470, 442, and 473, 474 to the southern boundary of the district. Total distance, about ten miles; number on Schedule A, 81.

3. *Tungkillo and Mount Torrens Main Road*.—Commencing at the Adelaide and Mannum Main Road between sections 267 and 269, hundred of Tungkillo; thence southerly through sections 7084, 7012, 7090, and south-westerly through sections 7089, 7088, 7091, 7092, and between sections 47 and 49, 56 and 57 to the western boundary of the district. Distance, about five miles; number on Schedule A, 48.

Total length of main roads, about twenty-five miles.

## CITY OF UNLEY.

1. *Adelaide and Belair Main Road*.—Commencing on the north boundary of the city at the intersection of Park Terrace and Unley Road; thence southerly between sections 239 and 240, 238 and 243 to the southern boundary of the city. Distance, about one and three-quarter miles; number on Schedule A, 20.

2. *Adelaide and Glenelg Main Road*.—Commencing at the north-western corner of section 6, hundred of Adelaide, and running through section 44 to the western boundary of the district. Distance, about one mile; number on Schedule A, 23.

3. *South Main Road*.—Commencing on the Adelaide and Glenelg Main Road, in section 44, and running southerly to the south-western corner of section 49, hundred of Adelaide. Distance, about one mile; number on Schedule A, 23.

4. *Glen Osmond Main Road*.—Commencing at the north-western corner of section 254, hundred of Adelaide, and running south-easterly through sections 265, 271, and 270 to the south-eastern corner of the district. Distance, about two and a quarter miles; number on Schedule A, 18.

Total length of main roads, six miles twenty chains.

## UPPER WAKEFIELD DISTRICT COUNCIL DISTRICT.

1. *Main North Road*.—Commencing on the southern boundary of the district, at the Undalya Bridge, over the River Wakefield, section 285, hundred of Upper Wakefield;



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Wakefield; thence generally northerly through sections 283, 277, 266, 262, to the town of Auburn, and between sections 258 and 259, 205 and 215, 209 and 213, 203 and 204, to the town of Leasingham; thence through sections 151, 150, 147, to the town of Watervale, and through sections 144, 141, 30, 31, and 32 to the north boundary of the district. Distance, about ten and a half miles; numbers on Schedule A, 73 and 126.

2. *Saddleworth to Auburn Main Road.*—Commencing at the southern boundary of the district, at the Pine Creek Bridge, over the River Wakefield, between sections 688 and 687, hundred of Upper Wakefield; thence north-westerly between sections 677 and 678, 666 and 669; through section 263, and westerly between sections 260 and 263 to the Main North Road. Distance, about three and a quarter miles; number on Schedule A, 126.

3. *Manoorra to Auburn Main Road.*—Commencing at the eastern boundary of the district, between sections 99 and 102, hundred of Stanley; thence north-westerly between sections 94 and 95, to the east boundary of the hundred of Upper Wakefield; thence north-westerly between sections 740 and 745, 739 and 734; south-westerly between sections 732 and 734, 715 and 735, 338 and 702; westerly between sections 388 and 694, 376 and 379, 374 and 377, and through section 260 to Main North Road at Auburn. Distance, about five and a half miles; number on Schedule A, 128.

4. *Halbury to Auburn Main Road.*—Commencing at the western boundary of the district, between sections 2079 and 2080, hundred of Upper Wakefield; thence north-easterly between sections 651 and 652, 345 and 645, 398 and 400, and through sections 347, 545; between sections 506 and 508, and easterly between sections 457 and 297, 270 and 271, to Main North Road at Auburn, at the south-east corner of section 261. Distance, about eight and a quarter miles; number on Schedule A, 127.

5. *Hoyleton and Leasingham Main Road.*—Commencing at the western boundary of the district, between sections 2168 and 2168s, hundred of Upper Wakefield; thence north-easterly between sections 2173 and 2174; through sections 331, 332, 334, 393; between sections 156 and 165, and through section 202, town of Leasingham, to the Main North Road. Distance, about five and three-quarter miles; number on Schedule A, 122.

Total length of main roads, about thirty-three and a quarter miles.

## WALKERVILLE DISTRICT COUNCIL DISTRICT.

1. *Park Terrace.*—Commencing at the Hackney Bridge over the River Torrens; thence northerly and north-westerly between section 475 and park lands, hundred of Yatala, to the junction of Robe and Walkerville Terraces. Distance, about forty-eight chains; number on Schedule A, 9.

2. *Main North-East Road.*—Commencing at the junction of Robe and Walkerville Terraces; thence northerly between sections 460 and 475, hundred of Yatala; north-easterly through section 474 and between sections 474 and 477 to the north boundary of the district at the north corner of section 477. Distance, about one hundred and twenty-one chains; number on Schedule A, 2.

3. *Main North Road.*—Commencing at the west corner of section 460, hundred of Yatala; thence north-easterly between sections 348 and 460 to the north-west corner of the latter section. Distance, about forty-one chains; number on Schedule A, 3.

4. *Nottage Terrace.*—Commencing at the south-west corner of section 2062, hundred of Yatala; thence easterly between sections 460 and 2062 to the Main North-East Road. Distance, about twenty-eight chains; number on Schedule A, 2.

Total length of main roads, about two miles seventy-eight chains.

## CORPORATE TOWN OF WALLAROO.

1. *Kadina and Wallaroo Main Road.*—Commencing on the east boundary of the corporate town, at the south-east corner of section 723, hundred of Wallaroo; thence westerly between sections 40 and 45, 23 and 24, along Owen Terrace to Irwine Street; southerly along Phillips Street to Hughes Street, and westerly along Hughes

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Hughes Street and Hughes Street West to the railway crossing at shore end of jetty. Distance, about one hundred and fifty-six chains; number on Schedule A, 198.

2. *Wallaroo and Alford Main Road.*—Commencing at the south-west corner of allotment 193, township of Wallaroo, hundred of Wallaroo; thence north-easterly along Irwine Street to the intersection of Ernest Terrace; through section 500, and across park lands to the north-west corner of section 370, and thence to the north-east corner of the corporate town. Distance, about one hundred chains; number on Schedule A, 196.

Total length of main roads, about three miles sixteen chains.

## WAROOKA DISTRICT COUNCIL DISTRICT.

1. *Yorke town and Warooka Main Road.*—Commencing at the east boundary of the district, between blocks A and B, hundred of Moorowie; thence westerly between sections 226 and 227N, and north-westerly between sections 204 and 231, 84 and 85, hundred of Moorowie; 19 and 20, hundred of Para Wurlie, to near the north-east corner of section 16. Distance, about seven miles; number on Schedule A, 222.

2. *Point Turton Main Road.*—Commencing at the north-east corner of section 39, hundred of Para Wurlie; thence between sections 15 and 16, 75 and 16, 75 and 7, 64 and 68, and through sections 69 and 70 to Point Turton. Distance, about six and a half miles; number on Schedule A, 223.

Total length of main roads, about thirteen and a half miles.

## WATERLOO DISTRICT COUNCIL DISTRICT.

1. *Manoora and Waterloo Main Road.*—Commencing at the western boundary of the district between sections 39 and 46, hundred of Saddleworth; thence north-easterly through sections 47, 30, and between sections 55 and 31 to the eastern boundary of the hundred. Distance, about two miles; number on Schedule A, 129.

2. *Manoora and Black Springs Main Road.*—Commencing at the western boundary of the district between sections 235 and 506, hundred of Stanley; thence north-easterly between sections 25 and 26, 41 and 443, 2030 and 2031, 3200 and 3203 to Black Springs. Distance, about six miles; number on Schedule A, 130.

3. *Kapunda and Waterloo Main Road.*—Commencing on the south boundary of the district at the south-west corner of section 1083, hundred of Waterloo; thence northerly between the hundreds of Saddleworth and Waterloo to Steelton and town of Waterloo to section 391, hundred of Waterloo; thence through sections 108 and 104 to northern boundary of the hundred. Distance, about ten and a half miles; number on Schedule A, 91.

4. *Black Springs and Koorunga Main Road.*—Commencing at Black Springs at north-east corner of section 3200, hundred of Stanley; thence northerly between sections 3065 and 3202, 509 and 3057 to the north-east boundary of the district at the north corner of section 3050. Distance, about two miles; number on Schedule A, 130.

5. *Saddleworth and Tothill's Belt Main Road.*—Commencing at the west boundary of the district between sections 63 and 68, hundred of Saddleworth; thence easterly between sections 62 and 66, 42 and 1029 to the west boundary of the hundred of Waterloo between sections 1027 and 1031; easterly between sections 315 and 310, 314 and 311; northerly between sections 313 and 314; and easterly between sections 318 and 313, 276 and 277, through section 196, between sections 289 and 204 to north-west corner of section 205, hundred of Waterloo. Distance, about eight and a half miles; number on Schedule A, 125.

6. *Black Springs and Apoina Main Road.*—Commencing at Burra Main Road north of section 3201, hundred of Stanley, to east boundary of the hundred at north-east corner of section 426. Distance, about forty chains; number on Schedule A, 123.

Total length of main roads, about twenty-nine and a half miles.

## WEST TORRENS DISTRICT COUNCIL DISTRICT.

1. *Adelaide and Glenelg Main Road.*—Commencing at the eastern boundary of the district, at the north-east corner of section 53, hundred of Adelaide; thence south-westerly between sections 87 and 88; through sections 104, 136, to the boundary

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boundary of the hundred of Noarlunga, between sections 152 and 153, and westerly to the east boundary of the corporate town of Glenelg, at the south-west corner of section 183. Distance, about three and a quarter miles; number on Schedule A, 21.

2. *Adelaide and Henley Beach Main Road.*—Commencing at the eastern boundary of the district, at Rankine Road, in section 98, hundred of Adelaide; thence westerly between sections 97 and 99, through sections 162, 219, and 220, between sections 194 and 433, and along north boundary of section 523 to high water mark at Henley Beach. Distance, about three and three-quarter miles; number on Schedule A, 24.

3. *South Main Road.*—Commencing at the south boundary of the corporate town of Thebarton, at the south-east corner of section 48, hundred of Adelaide; thence southerly between sections part 49 and 4, 45 and 50, to the Adelaide and Glenelg Main Road, at the south-east corner of section 52. Distance, about one and a half miles; number on Schedule A, 32.

4. *Fulham Bridge Main Road.*—Commencing on the Henley Beach Road on west side of section 220, hundred of Adelaide; thence to the district boundary on the Fulham Bridge. Distance, about ten chains; number on Schedule A, 25.

Total length of main roads, about eight miles fifty chains.

## WILLUNGA DISTRICT COUNCIL DISTRICT.

1. *Willunga Branch Main Road.*—Commencing on the north boundary of the district at the north-west corner of section 146, hundred of Willunga; thence south-easterly through sections 146, 147, 157; southerly between sections 167 and 168, 197 and 198, 247 and 248; south-easterly through sections 258, 701, 700, 1241, 760 to the north boundary of the hundred of Myponga, between sections 3 and 123; thence southerly between sections 5 and 129; and south-easterly between sections 18 and 131 to the south boundary of the district at the south-west corner of section 18. Distance, about ten miles; number on Schedule A, 36.

2. *Aldinga and Willunga Main Road.*—Commencing on the west boundary of the district at the south-west corner of section 244, hundred of Willunga; thence easterly between sections 244 and 254, 246 and 256, 247 and 257 to the Willunga Main Road at the south-east corner of section 247. Distance, about one and a half miles; number on Schedule A, 37.

3. *Dingabaldinga Main Road.*—Commencing at the south-west corner of the hundred of Kuitpo on the west boundary of section 255; thence easterly between sections 255 and 260, 83 and 84; north-easterly through sections 82, 74, 3603, and between sections 243 and 252, 242 and 270; easterly through sections 400, 278, and between sections 272 and 285 to the eastern boundary of the district between sections 273 and 274. Distance, about six miles; number on Schedule A, 58.

Total length of main roads, about seventeen and a half miles.

## WOODVILLE DISTRICT COUNCIL DISTRICT.

1. *Adelaide and Port Main Road.*—Commencing at the western boundary of the corporate town of Hindmarsh between sections 373 and 375, hundred of Yatala; thence north-westerly between sections 394 and 387, 408 and 398, 418 and 419 to the south boundary of the city of Port Adelaide between sections 420 and 424. Distance, about three miles; number on Schedule A, 27.

2. *Kirkcaldy Beach Main Road.*—Commencing at the east boundary of the district in section 373, hundred of Yatala; thence westerly through section 373 and between sections 394 and 391, 428 and 413, 443 and 444, 1006 and 449 to Kirkcaldy Beach. Distance, about four miles; number on Schedule A, 26.

3. *Fulham Bridge Main Road.*—Commencing at the district boundary on Fulham Bridge to north-west corner of section 432, hundred of Adelaide. Distance, about fifty chains; number on Schedule A, 25.

Total length of main roads, about seven miles fifty chains.

## WOOLUNDUNGA DISTRICT COUNCIL DISTRICT.

1. *Port Augusta to Hookina Main Road.*—Commencing on the north-eastern boundary of the corporate town of Davenport, hundred of Davenport, at the south-east corner of section 853; thence north-easterly, south-easterly and northerly between

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between sections 453 and 454, 363 and 774, 773N and 784, 785 and 801, and east of section 816 to the north boundary of the district, at the north-east corner of section 815. Distance, about seven and a quarter miles; number on Schedule A, 185.

2. *Port Augusta and Wilmington Main Road.*—Commencing on the eastern boundary of the corporate town of Davenport, hundred of Davenport, at the east corner of section 176; thence easterly between sections 534 and 866, 756 and 757, through the town of Stirling North; south-easterly through section 870 and north-east of sections 727, 720, and 705, to the western boundary of the hundred of Woolundunga, at the north corner of section 37; thence north-east of sections 35 and 30, between sections 924 and 927, north-east of block C, south-west of block A, and south of section 944 to the eastern boundary of the district, between sections 944 and 945. Distance, about twenty and a half miles; number on Schedule A, 167.

3. *Port Germein and Port Augusta Main Road.*—Commencing at the south boundary of the district, between sections 68 and 115, hundred of Winninowie; thence north-westerly along south-western boundaries of sections 68 and 67; northerly along eastern boundaries of sections 8, 15, and 23, to the south boundary of the hundred of Woolundunga, at the south-east corner of section 1; and north along the western boundary of the hundred to the Port Augusta and Wilmington Main Road, at the north corner of section 37. Distance, about eighteen miles; number on Schedule A, 170.

4. *The Station Main Road.*—Commencing on the Port Augusta and Wilmington Main Road at Stirling North; thence between sections 881 and 882, hundred of Davenport, to the railway line at north-east corner of section 754. Distance, about one mile and a quarter; number on Schedule A, 169.

Total length of main roads, about forty-seven miles.

## YANKALILLA DISTRICT COUNCIL DISTRICT.

1. *Main South Road.*—Commencing at the north boundary of the district in section 301, hundred of Myponga; thence southerly through sections 551, 548, 550, and between sections 705 and 704; south-westerly through sections 633, 513, 541 and between sections 83 and 67, through sections 497, 495, 491, and between sections 407 and 410, 98 and 92 to the north boundary of the hundred of Yankalilla; thence southerly through sections 486 and 482, and westerly and north-westerly through sections 481, 1181, 1034, 1015; south-westerly between sections 1012 and 1013, 1003 and 1004, and through sections 1001, 1081; thence between sections 79 and 80 to the west boundary of the district at the south boundary of section 80. Distance, about eighteen and a half miles; number on Schedule A, 23.

2. *Normanville Jetty Main Road.*—Commencing on the Main South Road at the east corner of section 1014, hundred of Yankalilla; thence north-westerly and south-westerly through section 1014 to the Normanville Jetty. Distance, about three-quarters of a mile; number on Schedule A, 40.

3. *Yankalilla and Victor Harbor Main Road.*—Commencing at the Main South Road at Yankalilla, section 1181, hundred of Yankalilla; thence south-easterly through section 1182 and between sections 1163 and 1185, 1160 and 1188, 1157 and 1191, 181E and 186, through sections 388, 387, 384, 373, to the west boundary of the hundred of Encounter Bay in section 355; thence easterly through sections 356, 354, 343, 337, 411, 269, 267, 266 to the east boundary of the district at the west boundary of section 266. Distance, about nine and a half miles; number on Schedule A, 38.

4. *Torrens Vale Main Road.*—Commencing at the Yankalilla and Victor Harbor Main Road at the south corner of section 1191, hundred of Yankalilla; thence southerly through sections 1157, 1601, 1602, and 1603 to the south corner of the latter section. Distance, about one and a quarter miles; number on Schedule A, 39.

Total length of main roads, about thirty miles.

## YATALA NORTH DISTRICT COUNCIL DISTRICT.

1. *Adelaide and Port Wakefield Main Road.*—Commencing at the level crossing near the south corner of section 2245, hundred of Yatala; thence northerly along boundary between the hundreds of Port Adelaide and Yatala to the north boundary of the district at Winzor's Bridge, Little Para River. Distance, about four and a quarter miles; number on Schedule A, 10.

2. *Main*

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2. *Main North Road*.—Commencing at the level crossing near the south corner of section 2245, hundred of Yatala; thence north-easterly through section 97 and between sections 2194 and 3017, 2198 and 3000, 2202 and 3050 to the north boundary of the district between sections 2020 and 2021. Distance, about seven miles; number on Schedule A, 1.

3. *Virginia Bridge Road*.—Commencing at the Salisbury Railway Station, hundred of Yatala; thence north-westerly between sections 2189 and 2190 to the north boundary of the district at the bridge over the Little Para River. Distance, about half a mile; number on Schedule A, 108.

4. *Dry Creek Road*.—Commencing at the level crossing on the Port Adelaide to Dry Creek railway line in section 97, hundred of Yatala; thence north-easterly to join main road near Dry Creek Bridge. Distance, about one mile; number on Schedule A, 3.

Total length of main roads, about twelve and three-quarter miles.

## YATALA SOUTH DISTRICT COUNCIL DISTRICT.

1. *North-Eastern Main Road*.—Commencing at the north corner of the district of Walkerville at the south corner of section 480, hundred of Yatala; thence north-easterly between sections 489 and 490, 500 and 501, and through section 504 to the east boundary of the district. Distance, about three miles; number on Schedule A, 2.

2. *Main North Road*.—Commencing on the south boundary of the district at the south-east corner of section 355, hundred of Yatala; thence northerly between sections 356 and 341, 359 and 338, passing Gepp's Cross, and between the hundreds of Yatala and Port Adelaide to the north boundary of the district. Distance, about two and a half miles; number on Schedule A, 3.

3. *Lower Main North Road*.—Commencing on the south boundary of the district at the south-east corner of section 380, hundred of Yatala; thence northerly between sections 382 and 364 to the south boundary of the hundred of Port Adelaide at Grand Junction, and north-easterly between sections 1001 and 97 to the Main North Road at the south-east corner of section 1000. Distance, about three miles; number on Schedule A, 1.

4. *Port Adelaide and Teatree Gully Main Road*.—Commencing at the north-west corner of section 405, hundred of Yatala; thence easterly between the hundreds of Port Adelaide and Yatala, *via* Grand Junction to Gepp's Cross; thence easterly between sections 97 and 336, 3028 and 320, 3040 and 498 to the east boundary of the district at the north-west corner of section 312. Distance, about six and a half miles; numbers on Schedule A, 6 and 31.

5. *Dry Creek Main Road*.—Commencing at Gepp's Cross, at the north-west corner of section 337, hundred of Yatala; thence north-easterly through section 97 to the level crossing on the Port Adelaide and Dry Creek railway line. Distance, about one mile; number on Schedule A, 3.

Total length of main roads, about sixteen miles.

## YONGALA DISTRICT COUNCIL DISTRICT.

1. *Petersburg and Dawson Main Road*.—Commencing on the eastern boundary of the corporate town of Petersburg, hundred of Yongala, at the south-west corner of section 233; thence northerly along the western boundary of said section and between sections 222 and 235 to the south boundary of the hundred of Morgan, between sections 8 and 9; and northerly and north-easterly between sections 30 and 32w, 69 and 70, 71 and 73 to the western boundary of the district. Distance, about nine miles; number on Schedule A, 142.

2. *Yongala and Mannanarie Main Road*.—Commencing at Yongala Railway Station, hundred of Yongala; thence westerly along Second Street and between sections 52 and 56, 24 and 26, and north-westerly to the east boundary of the hundred of Mannanarie, south of section 201 and between sections 192 and 196, 184 and 188, 60 and 68, 73 and 35; and westerly between sections 124se and 30 to the west boundary of the district between sections 124w and 32. Distance, about eleven and a half miles; number on Schedule A, 148.

3. *Mannanarie*

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3. *Mannanarie and Jamestown Main Road.*—Commencing on the Mannanarie and Yongala Main Road at the northern corner of section 35, hundred of Mannanarie; thence southerly between sections 35 and 46, 26 and 38, 8s and 39 to the south boundary of the district between sections 6 and 41. Distance, about four miles; number on Schedule A, 151.

4. *Petersburg and Yatina Main Road.*—Commencing at north-east corner of section 184E, hundred of Yongala; thence between sections 201 and 187, 197 and 191, 250 and 247 to south-west corner of section 118, hundred of Black Rock Plain. Distance, about nine miles; number on Schedule A, 144.

5. *Yongala Estate Main Road.*—Commencing at south boundary of district; between sections 277 and 96, 291 and 107, 260 and 111, 35 and 111 to town of Yongala. Distance, about five miles; number on Schedule A, 149.

6. *Hundred of Morgan Main Road.*—Commencing on the Petersburg and Yatina Main Road at south-west corner of section 200, hundred of Yongala; between sections 18 and 3, hundred of Morgan, to south corner of section 58. Distance, about six miles; number on Schedule A, 145.

Total length of main roads, about forty-four and a half miles.

## YORKE PENINSULA DISTRICT COUNCIL DISTRICT.

1. *Maitland and Moonta Main Road.*—Commencing at the north-west corner of the corporate town of Maitland, hundred of Maitland; thence north-westerly between sections 131 and 168, 87 and 102, 297 and 298 to the north boundary of the district between sections 303NE and 304E. Distance, about six and a half miles; number on Schedule A, 197.

2. *Maitland to Artherton Main Road.*—Commencing at the north boundary of the corporate town of Maitland, hundred of Maitland; thence north-easterly between sections 138 and 139, 106 and 107, 228 and 229 to the north boundary of the district between sections 246 and 313. Distance, about seven and a half miles; number on Schedule A, 202.

3. *Maitland to Ardrossan Main Road.*—Commencing at the east boundary of the corporate town of Maitland, hundred of Maitland; thence south-easterly between sections 156 and 158, 214 and 212, 289 and 285 to the west boundary of the hundred of Cunningham at the south-west corner of section 14; and easterly between sections 190 and 40, 76 and 34N, 46 and 7, and through the township of Ardrossan to the jetty. Distance, about fourteen and three-quarter miles; number on Schedule A, 210.

4. *Maitland to Port Victoria.*—Commencing at the south boundary of the corporate town of Maitland, hundred of Maitland; thence south-westerly between sections 193 and 194, 67 and 69 to the eastern boundary of the hundred of Kilkerran between sections 16 and 17; thence between sections 113 and 114, 129 and 128N to the north boundary of the hundred of Wauraltee between sections 75 and 200, and between sections 164 and 165 to the Minlaton and Port Victoria Main Road. Distance, about thirteen and a half miles; number on Schedule A, 210.

5. *Urania to Port Victoria Main Road.*—Commencing at Urania, north of section 54, hundred of Wauraltee; thence westerly between sections 55NE and 70, 73 and 82, 152 and 146 to the Minlaton and Port Victoria Main Road. Distance, about seven miles; number on Schedule A, 211.

6. *Port Victoria to Minlaton Main Road.*—Commencing at the jetty, Port Victoria, hundred of Wauraltee; thence south-easterly along Main Street, town of Wauraltee, across park lands, and between sections 148 and 142, 63 and 64, 46 and 47, 33 and 34, 12 and 13 to the south boundary of the district between sections 5 and 6. Distance, about eleven and a quarter miles; number on Schedule A, 212.

7. *Artherton to Ardrossan Main Road.*—Commencing at the north boundary of the district between sections 313 and 316, hundred of Maitland; thence south-easterly between sections 318 and 319 to the west boundary of the hundred of Cunningham between sections 155 and 156; thence between sections 135 and 136, 99 and 100, 86 and 195, and through water conservation reserve to Ardrossan jetty. Distance, about fourteen miles; number on Schedule A, 205.

Total length of main roads, about seventy-four and a half miles.

CORPORATE

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*The Roads Amendment Act.*—1908.

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## CORPORATE TOWN OF YORKETOWN.

1. *Moonta Main Road*.—Commencing at the post office, Yorketown, hundred of Melville; thence north-easterly along Moonta Main Road to north boundary of the corporate town. Distance, about sixteen chains; number on Schedule A, 215.

2. *Stansbury Main Road*.—Commencing at the post office, Yorketown, hundred of Melville; thence easterly along Stansbury Main Road to the east boundary of the corporate town. Distance, about fifteen chains; number on Schedule, 220.

3. *Edithburgh Main Road*.—Commencing at the post office, Yorketown, hundred of Melville; thence south-easterly along Edithburgh Main Road to the south-east corner of the corporate town. Distance, about twenty-eight chains; number on Schedule A, 215.

4. *Warooka Main Road*.—Commencing at the post office, Yorketown, hundred of Melville; thence westerly along Warooka Main Road to the western boundary of the corporate town. Distance, about forty-two chains; number on schedule A, 222.

Total length of main roads, about one mile twenty-one chains.

## TOTAL LENGTH OF MAIN ROADS.

Corporations ..... about 85 miles 13 chains

District Councils ..... “ 4,073 “ 7 “

GRAND TOTAL..... about 4,158 miles 20 chains







ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 968.

An Act to Consolidate and Amend the Law relating to  
the Sale of Food and Drugs.

[*Assented to, December 23rd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia,  
with the advice and consent of the Parliament thereof, as  
follows:

### PART I.

### PART I.

#### INTRODUCTORY.

1. This Act may be cited as "The Food and Drugs Act, 1908." Short title.

2. This Act is divided into parts, as follows:— Parts.

PART I.—Introductory:

PART II.—Administration:

PART III.—Description of Offences:

PART IV.—Analysis:

PART V.—Penalties and Procedure:

PART VI.—Regulations.

3. This Act shall commence on the first day of June, one thousand nine hundred and nine. Commencement of Act.

4. The following Acts are hereby repealed:— Repeal.

The Act, No. 5 of 1862, intituled "An Act to regulate the  
Sale of certain Poisons": "The

*The Food and Drugs Act.—1908.***PART I.**

“The Sale of Food and Drugs Act, 1882”:

“The Food and Drugs Amendment Act, 1890”:

“The Food and Drugs Further Amendment Act, 1903.”

**Interpretation****5. In this Act, except where otherwise clearly intended—**

“Adulterated food” shall mean any food which differs in composition, by reason either of the addition of foreign matter or of the abstraction of any matter, from food ordinarily known under the same name as that which the said food is represented to be, or which differs from the standard (if any) of such food fixed by regulation under this Act:

“Adulterated drug” shall mean any drug which differs in composition, by reason either of the addition of foreign matter or of the abstraction of any matter, from the drug ordinarily known under the same name as that which the said drug is represented to be, or which differs from the standard (if any) of such drug fixed by regulation under this Act:

“Analyst” shall mean an analyst appointed under this Act:

“Animal” shall mean and include mammal, fish, fowl, crustacean, mollusc, and all animals used as food:

“Central Board of Health” shall mean the Central Board of Health within the meaning of “The Health Act, 1898”:

“Court” shall mean a Special Magistrate, or two or more Justices of the Peace sitting to hear and determine any information for an offence against this Act:

“Drug” shall mean any substance used for or in the composition or preparation of medicine, whether for internal or external use, and includes any preservative, antiseptic, disinfectant, deodorant, narcotic, and cosmetic:

“Food” shall mean any article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food; and shall include flavoring matters, condiments, and confectionery:

“Government Analyst” means the person for the time being holding the office of Government Analyst under appointment by the Governor, or the person so appointed to perform the duties of the Government Analyst for the time being:

“Inspector” shall mean an inspector appointed under this Act and includes the Chief Inspector:

“Justice” shall mean a Justice of the Peace for the said State:

“Local

*The Food and Drugs Act.—1908.***PART I.**

“Local Authority” shall mean any Local Board of Health or any County Board within the meaning of “The Health Act, 1898,” or of this Act:

“Metropolitan area” means the Municipal Corporations of Adelaide, Brighton, Glenelg, Hindmarsh, Kensington and Norwood, St. Peters, Thebarton, Port Adelaide, and Unley, and the District Councils of Burnside, Campbelltown, Marion, Mitcham, Payneham, Prospect, Walkerville, West Torrens, and Yatala South; and also such other local boards as may on their request by Proclamation be declared to be within the metropolitan area:

“Patent medicines” includes all proprietary and secret medicines and all infant and patent foods:

“Person” includes any body of persons, whether corporate or unincorporate:

“Poisons” means such articles as the Governor by Proclamation published in the *Government Gazette* from time to time declares to be poisons within the meaning of this Act:

“This Act” includes any regulation made under this Act.

**PART II.****PART II.****ADMINISTRATION.**

**6.** It shall be the duty of the Central Board of Health to enforce this Act, and for this purpose it shall have and exercise throughout the whole State all the powers and authorities herein conferred on it, and also every power, authority, and discretion vested in a local authority by this Act.

Central Board of Health to administer Act.

**7.** The Governor, on the recommendation of the Central Board of Health, may appoint a Chief Inspector of Food and Drugs and Inspectors of Food and Drugs, who shall act under the Central Board of Health, and who shall have and exercise throughout the State all the powers and authorities of an inspector appointed by a local authority under this Act.

Officers to be appointed under this Act.

See S.A., 493, 1890, sec. 4; 844, 1903, sec. 2.

**8.** (1) It shall be the duty of every local authority to put in force from time to time, as occasion may arise, the powers with which it is invested by this Act, so as to provide proper securities for the sale of food and drugs in a pure and genuine condition, and in particular to direct its officers to take samples for analysis.

Power for Central Board of Health to act in default of local authority.

Imp. Act, 1899, sec. 3.

(2) If the Central Board of Health, after communication with a local authority, is of opinion that the local authority has failed to execute or enforce any of the provisions of this Act in relation to any article of food or drug, the Board may, by order, empower an officer of the Board to execute and enforce those provisions, or to procure the execution and enforcement thereof, in relation to any article of food or drug mentioned in the order.

(3) The expenses incurred by the Central Board of Health or its officer under any such order may, if the Board direct, be regarded as

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*The Food and Drugs Act.—1908.***PART II.**

a debt due by such local authority to the Central Board of Health, and shall be paid by the local authority to the Board on demand, and in default the Board may recover the amount of the expenses from the local authority.

(4) An order of the Board shall be conclusive in respect of any default, amount of expenses, or other matter therein stated or appearing.

Appointment of  
analysts.

N.Z. 20, 1880,  
sec. 29.

**9.** (1) The Governor, on the recommendation of the Central Board of Health, may appoint persons possessing competent knowledge to be analysts, and may pay to them such remuneration and allowances for expenses as may be appropriated by Parliament for the purpose: Provided that no person shall be appointed an analyst who is directly or indirectly engaged or interested in the manufacture or sale of any food or drug.

(2) Notice shall be published in the *Government Gazette* whenever such appointment is made, stating the residence or place of abode of the person appointed.

See S.A., 257, 1882,  
sec. 21.  
Imp. Act, 1875,  
sec. 19.  
N.Z., 20, 1880,  
sec. 38.

(3) Every analyst shall report quarterly to the Central Board of Health the number of articles analysed by him under this Act during the preceding three months, and shall specify the result of each analysis.

Appointment and  
duties of officers of  
local authorities.

S.A., 257, 1882,  
sec. 11.

**10.** (1) Any local authority may, and when required so to do by the Central Board of Health shall, appoint one or more Inspectors of Food and Drugs, who shall have all the powers by this Act conferred upon them, and shall exercise such within the district of the local authority by which they are appointed.

(2) Any two or more local authorities may appoint the same person as Inspector of Food and Drugs.

Powers of Govern-  
ment Analyst.  
S.A., 844, 1903,  
ec. 3.

Officer of Health to  
have powers of  
Inspector.

New.

**11.** The Government Analyst shall have and exercise throughout the State all the powers and authorities of an analyst under this Act.

**12.** Every Officer of Health appointed under "The Health Act, 1898," or any Act amending or substituted for that Act, shall have all the powers and authorities of an inspector under this Act in the district for which he has been appointed.

Inspectors' powers  
under Bread Act.

New.

**13.** Every Inspector under this Act shall have all the powers and authorities of an inspector under "The Bread Act, 1891," or any Act amending the same or substituted therefor.

Expenses of executing  
Act.

See S.A., 257, 1882,  
sec. 32.  
Imp. Act, 1875,  
sec. 29.

**14.** The expenses of executing this Act shall be borne by the local authorities incurring the same, and, in the case of the Central Board of Health, by the general revenue of the State.

Governor may declare  
any two or more  
districts to be a  
County District.

**15.** The metropolitan area is hereby declared to be a County District for the purposes of this Act, under the name of the Metropolitan County District, and any other two or more contiguous districts

*The Food and Drugs Act.—1908.*

## PART II.

districts may be proclaimed by the Governor a County District to be designated by some distinctive name specified in the Proclamation.

A County Board, consisting of not less than six members, shall be constituted for the metropolitan area by Proclamation by the Governor in manner prescribed by such Proclamation.

Upon the Proclamation of any other County District a County Board, consisting of not less than six members, shall be constituted for such district in manner prescribed by the Proclamation.

Local authorities forming a County District shall elect the members of the County Board in the same manner as elective members of the Central Board are elected under "The Health Act, 1898," and they shall hold office for a like period, except for the first year, when one half shall retire by lot, and subsequently one half longest in office shall retire annually.

Members of Board,  
how elected.

At the first meeting of the County Board after it is constituted, and after each annual election, the members thereof shall elect one of their number to act as chairman, who shall hold office for one year.

Election of chairman.

Local authorities forming a County Board shall elect two auditors, who shall hold office for two years, except for the first year, when one shall retire by lot.

Election of auditors.

County Boards shall cause the accounts to be balanced and an abstract of the receipts and expenditure prepared for each year ending on the thirtieth day of November, and shall publish in the *Government Gazette*, within one month of the yearly audit, an abstract of the receipts and expenditure as allowed by the auditors, and copies of such abstract shall be sent to all local authorities forming the County District.

Publication of  
accounts.

Upon the constitution of any County Board by Proclamation—

Functions of County  
Board.

- (1) All the powers, duties, and liabilities vested in or imposed on the local authorities in the County District by virtue of this Act shall be vested in and imposed on the County Board:
- (2) For the purposes of the County Board every local authority within the County District shall, if and whenever required by the County Board, contribute annually such sum as the County Board may deem necessary for enabling the County Board to carry out the powers and duties vested in it by virtue of this Act.
- (3) Notwithstanding anything hereinbefore contained, the sum to be annually contributed for the purposes of this Act by each local authority in the metropolitan area shall not in any one year exceed an amount equivalent to a rate of One Farthing in the Pound on the annual assessment of each local authority.

Each County Board shall have a common seal, and shall meet once at least in each month.

Each

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Each County Board may appoint such officers as it may deem necessary for the administration of this Act within the County District.

The Governor, by Proclamation, may remove from a County District any local authority or add any contiguous local authority.

The provisions of this section shall *mutatis mutandis* apply to the Metropolitan County District and to the County Board constituted therefor.

Liabilities and duties  
of local authorities  
as County Boards.

**16.** If the local authorities constituting a County Board under "The Health Act, 1898," shall at any time hereafter be constituted a County Board under this Act, or *vice versa*, then, and in such case the powers, duties, and liabilities vested in or imposed on such local authorities by virtue of this Act and "The Health Act, 1898," shall be exercisable by such County Boards unitedly, to the intent that the two County Boards shall act as one Board.

- (a) At the first meeting of such County Board, and after each annual meeting, the members thereof shall elect one of their number to be chairman, who shall hold office for one year :
- (b) There shall be no necessity on the part of each of such County Boards to keep separate accounts, or to appoint separate auditors, or to gazette separate abstracts of such accounts :
- (c) The auditors of the County Board first constituted shall act as auditors of the last constituted County Board until the end of the current financial year ; afterwards the auditors shall, as hereinbefore provided, be appointed by such united Boards :
- (d) The Governor may from time to time, by Proclamation or order, settle, adjust, or determine any rights, liabilities, or matters affecting such County Boards, or which may from time to time arise in the exercise by them of the aforesaid powers and duties or otherwise, and may in the same manner do all acts and things in order to effectually carry out the intention of the preceding provisions.

Advisory Committee.

**17.** The Governor shall appoint for the purpose of this Act an Advisory Committee, consisting of not more than seven members. Such Committee shall consist of the persons for the time being holding the following offices, namely—

The Chairman of the Central Board of Health, who shall preside ;

The Professor of Chemistry in the University of Adelaide ;

The Government Analyst ;

The Officer of Health for the City of Adelaide ;

and three other persons conversant with trade requirements.

Such

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Such members, when appointed by the Governor, shall act for no longer period than three years from the date of their appointment, but may be reappointed.

If any of the persons holding the above-mentioned offices decline to act on the Board, the Governor may appoint any other person in his stead.

Any member of the Committee may be removed by the Governor.

At all meetings of the Committee the Chairman shall have a vote, and, in the event of an equality of votes, a second or casting vote.

Any four members of the Committee shall constitute a quorum.

The members of the Committee, other than those employed in the Public Service, shall be paid attendance fees of such amount as may be prescribed by regulation.

**PART III.****PART III.****DESCRIPTION OF OFFENCES.**

**18.** (1) No person shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same may be sold in that state ; and

Prohibition of the mixing of ingredients rendering food injurious, and of selling the same.

S.A., 257, 1882, sec. 4.

(2) No person shall sell any such article so mixed, colored, stained, or powdered.

Imp. Act, 1875, sec. 3.

Penalty in each case not exceeding Fifty Pounds.

**19.** (1) No person shall, except for the purpose of compounding as hereinafter described, mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any drug with any ingredient or material so as to render the drug injurious to health, or alter its potency, or conceal its inferior quality, with intent that the same may be sold in that state ; and

Prohibition of the mixing of ingredients rendering drugs injurious, and of selling the same.

S.A., 257, 1882, sec. 5.

(2) No person shall sell any such drug so mixed, colored, stained, or powdered.

Imp. Act, 1875, sec. 4.

Penalty in each case not exceeding Fifty Pounds.

**20.** No person shall be liable to be convicted under either of the two last preceding sections of this Act in respect of the sale of any article of food or of any drug, if he shows to the satisfaction of the Court before which he is charged that he did not know of the article of food or drug sold by him being so mixed, colored, stained, or powdered, as in either of those sections mentioned, and that he could not by analysis or other adequate test have obtained that knowledge.

Exemption in case of proof of absence of knowledge.

S.A., 257, 1882, sec. 6.

Imp. Act, 1875, sec. 5.

**21.** No

## PART III.

Mixed articles for sale  
or in stock to be  
labelled.

New.

**21.** No person shall manufacture, expose for sale, or keep or store for the purpose of trade or commerce, any article of food or any drug that is mixed with or adulterated with any foreign substance, or is not in accordance with the standards of this Act, unless the vessel, tin, bottle, package, or other receptacle containing the same has affixed to it a label distinctly and legibly written or printed as in section 24.

If the defendant satisfies the Court that the article of food or the drug which is the subject matter of the prosecution was contained in an unopened vessel, tin, bottle, package, or other receptacle and was purchased by him from any manufacturer, importer, or wholesale dealer in South Australia named by the defendant, and that the defendant had no reason to believe that such food or drug was mixed with or adulterated with any foreign substance, or was not in accordance with the standards prescribed by this Act, the information shall be dismissed.

Penalty, not exceeding Five Pounds.

Prohibition of the  
sale of articles of food  
and of drugs not of  
the proper nature,  
substance, and  
quality.

S.A., 257, 1882, sec.  
7; 493, 1890, sec. 2.  
Imp. Act, 1875,  
sec. 6.

**22.** No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, or any adulterated food or drug, and no person shall have in his possession, control, or disposition for sale any article of food or any drug which is not of the nature, substance, and quality which he represents it to be or which it purports to be, or any adulterated food or drug, under a penalty in either case of not less than Five Pounds and not exceeding Twenty Pounds: Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say:—

- (1) If the defendant shall prove that any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure or alter the potency of the food or drug or conceal the inferior quality thereof:
- (2) Where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent:
- (3) Where the food or drug is compounded as in this Act mentioned:
- (4) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation:
- (5) Where spirits are not adulterated otherwise than by being diluted with water, and such dilution being estimated by Sykes's hydrometer shall not have reduced the spirits more than

Imp. Act, 1879,  
sec. 6.



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than twenty-five degrees under proof for brandy, whisky, rum, schnapps, unsweetened gin, or other spirits, or thirty-five degrees under proof for sweetened gin.

PART III.

It shall be no defence to any prosecution under this section to allege or show—

1. That the purchaser, having bought only for analysis, was not prejudiced by such sale :
11. That the article of food or drug in question, though defective in nature, substance, or quality, was not defective in all three or in more than one of such respects.

And in any such prosecution it shall, until the contrary is proved, be presumed that any article of food or any drug in the possession, control, or disposition of any person is in such person's possession, control, or disposition for sale.

**23.** No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser.

Provision for the sale of compound articles of food and compounded drugs.  
S.A., 257, 1882, sec. 493, 1890, sec. 2.  
Imp. Act, 1875, sec. 7

Penalty not less than Five Pounds and not exceeding Twenty Pounds.

**24.** Provided that no person shall be guilty of any such offence under sections 22 and 23 if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed, and stating the substances and quantities thereof in such mixture.

Protection from offences by giving of label.  
S.A., 257, 1882, sec. 9; 493, 1890, sec. 3.  
Imp. Act, 1875, sec. 8.  
Tas., 37, 1903, sec. 123.

Such label shall not be deemed to be distinctly and legibly written or printed within the meaning of this section unless it is so written or printed that the notice of mixture given by the label is not obscured, either wholly or in part, by other matter on the label ; nor shall a printed announcement on the wrapper be deemed a label within the meaning of this section.

See Imp. Act, 1899, sec. 12.

**25.** Nothing in this Act shall require the disclosure of any trade secret or formula for the making, preparing, or compounding of any article of food or any drug, a standard for which has been fixed under this Act: Provided that such food or drug is in accordance with such standards.

No penalty where article according to Government standard.

**26.** (1) No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature ; and

Prohibition of the abstraction of any part of an article of food before sale, and selling without notice.

(2) No person shall sell any article so altered without making disclosure to the purchaser of the alteration.

S.A., 257, 1882, sec. 10.  
Imp. Act, 1875, sec. 9.

Penalty in each case not exceeding Twenty Pounds.

**27.** (1) No

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sellers.

New.

See S.A., 711 1898,  
sec. 111.

**27. (1)** No person shall sell or offer, expose, store, carry, or deliver for the purpose of sale, any milk unless—

(a) He is licensed as a vendor of milk by the local authority of the district or county district within which such milk is sold, or offered, exposed, stored, carried, or delivered; and

(b) All premises used by him in connection with such milk as dairy, store, or shop are registered by the local authority of the district or county district wherein such premises are situated.

(2) This section shall not apply if such milk is supplied to a factory for the purpose of being manufactured into butter or cheese, and is so used.

Penalty not exceeding Twenty Pounds.

(3) For the purposes of this section, when any person carries or sends, or causes to be carried or sent, any milk for the purpose of sale from the district or county district of one local authority to the district or county district of another local authority he shall be deemed to deliver such milk within the first-mentioned district or county district: Provided this subsection shall not apply to milk carried or sent to the metropolitan area, and every vendor of milk who is registered in any district outside the metropolitan area shall, on demand, be registered by the Metropolitan County Board without any charge or fee for such registration.

(4) If the local authority of any district or county district does not for the time being provide for the licensing of milk vendors in such district or county district, the Central Board of Health shall provide for such licensing; and the provisions of subsection (1) hereof as to licensing shall be deemed to be complied with if the person who sells, or offers, exposes, stores, carries, or delivers for sale is licensed as a vendor of milk by the said Central Board.

(5) If the local authority of any district or county district does not for the time being provide for the registration of dairies, milk stores, and milk shops in such district or county district the Central Board of Health may provide for such registration; and the provisions of subsection (1) hereof as to registration shall be deemed to be complied with if the premises required to be registered are registered by the said Central Board.

(6) Any licence or registration granted by the Central Board of Health, as provided by subsections (4) and (5) hereof, shall remain in force for a year after regulations made or adopted by the local authority and providing for such licensing or registration (as the case may be) come into force.

(7) No further or other licence or registration than those mentioned in this section shall be required for the selling or the offering, exposing, storing, carrying, or delivering of milk for the purpose of sale;

*The Food and Drugs Act.—1908.***PART III.**

sale; but no local authority shall issue any licence or register any dairy, milk store, or milk shop, unless it is satisfied that the applicant is a fit person, or that the dairy, milk store, or milk shop sought to be registered is suitable.

(8) Local authorities may, by regulation made under "The Health Act, 1898," fix and provide for the payment and recovery of fees for the licensing of cowkeepers, dairymen, and vendors of milk, and the registration and inspection of dairies, milk stores, and milk shops: Provided always that nothing in this Act contained shall render invalid any regulations not repugnant to or inconsistent with this Act heretofore or hereafter made under "The Health Act, 1898," in respect of any matters which are not the subject of regulations under this Act.

**28.** No manager or proprietor of a butter or cheese factory shall sell or deliver to any person milk, other than skimmed milk, received or purchased by him for the purpose of being manufactured into butter or cheese.

Managers of factories may not sell milk.

Penalty, not exceeding Twenty Pounds.

**29.** (1) Every person who himself or by his servant, in any street, highway or place of public resort, sells, or carries about for sale or delivery, milk or cream from a vehicle or from a can or other receptacle shall have conspicuously inscribed on the vehicle, can, or receptacle his name and address, and in default shall be liable to a penalty not exceeding Two Pounds.

Provision as to name and address of person selling milk or cream in a public place.

Imp. Act, 1899, sec. 9.

(2) Where, in any prosecution against such person with respect to the sale or delivery of milk or cream, it is proved that milk or cream was carried in a vehicle, can, or other receptacle having the name of such person inscribed thereon, it shall, until the contrary is proved, be presumed that the person in charge of such vehicle, can, or other receptacle was the servant of the defendant, and authorised by him to sell or deliver such milk or cream.

**30.** No person shall expose or offer for sale any condensed, separated, or skimmed milk unless the same is contained in a tin or other receptacle bearing a label clearly visible to the purchaser, on which the words "condensed milk," or "machine-skimmed milk," or "skimmed milk" (as the case may require) are printed in large and legible type.

Provisions as to condensed, separated, or skimmed milk.

Imp. Act, 1899, sec. 11.

Penalty, not exceeding Two Pounds.

**31.** (1) No person shall sell, offer, keep, or deliver for sale, whether wholesale or retail, or exchange, or authorise, direct, or allow the sale of any milk from cows to his knowledge suffering from anthrax, tuberculosis, or pleuro-pneumonia, or suffering from any disease from time to time declared by the Governor by notice in the *Government Gazette* to come within the meaning of this section.

Prohibition of sale of milk of diseased cows  
Liability of servant.  
Master's liability to servant.

Vic., 1098, 1890, sec. 50.

W.A., 24, 1898, secs. 52, 54, 55

Penalty, not exceeding Twenty Pounds.

(2) The

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(2) The Court before which any person is charged with an offence against this section shall dismiss the charge if it appears to the Court that the defendant took all reasonable means to inquire and ascertain whether or not the milk so sold by him, or so allowed to be sold, came from cows suffering as aforesaid.

(3) In any prosecution with respect to the sale or delivery of milk, it shall be no defence that the defendant is only the servant or agent of the owner of such milk, or is only entrusted for the time being with such milk by such owner, but such servant or agent and such owner shall both be liable.

(4) If such defendant, being a servant or agent, prove that he delivered such milk in the same state in which he received it from his master or employer, and without knowledge that the nature, substance, or quality of such milk was injuriously affected, he may, notwithstanding that such master or employer has himself been convicted and fined, recover in any Court of competent jurisdiction from such master or employer the amount of any penalty in which he may have been convicted in respect of such prosecution, together with the costs paid, or to be paid, by him upon such conviction, and those incurred by him in and about his defence thereto.

Regulation of sale  
of spurious butter.

Vic., 1098, 1890,  
sec. 51.

W.A., 24, 1898,  
sec. 53.

**32.** No person shall make, prepare, or compound for sale, sell, offer, keep, or expose for sale, any compound of fats, oils, or similar substances other than the fat of milk, or any article not made exclusively of milk or cream, or both, with or without salt or other preservative, and with or without the addition of coloring matter, and not the legitimate product of the dairy, in imitation of or as a substitute for butter, unless a conspicuous and legible brand or mark indicating the nature of such compound is placed upon each piece or pat, and on every jar, parcel, cask, case, or package that contains any such compound or article.

Penalty, not exceeding Twenty Pounds.

Power to seize and  
destroy.

Any such compound or article not being genuine butter, and not being branded or marked as herein provided, may be forthwith seized and destroyed or otherwise disposed of by any officer of the Central Board of Health, or of any local authority, without any other authority than this Act.

Inspector to be  
furnished with list  
of vendors.

**33.** Any vendor of milk or cream or meat shall, at the request in writing of any inspector, furnish to such inspector the names and addresses of persons from whom he has received any milk or cream or meat indicated by such inspector, and the respective dates upon which such milk or cream or meat was received.

Penalty, not exceeding Five Pounds.

Power to inspect food  
and drugs prepared or  
offered for sale.

Tas., 37, 1903,  
sec. 104.

See Vic., 1098, 1890,  
sec. 53

**34.** Any inspector may at all reasonable times enter on any land or premises or public place, and—

- i. Inspect and examine any animal offered for sale or slaughter or being prepared for sale or slaughter for human consumption; or
- ii. Inspect

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Ibid.

11. Inspect and examine any carcass or other article of food or drug exposed or offered for sale, or deposited for the purpose of sale or of preparation for sale, or that has recently been sold for human consumption, whether such articles are fresh or preserved, or are in tins or other closed packages or not.

**35.** If, on such inspection and examination, it appears to the inspector that any such animal or article of food or drug is diseased, or unsound, or unwholesome, or unfit for human consumption, he may cause it to be seized and carried away in order that it may be dealt with in a summary manner, as follows, that is to say:—

Diseased or unsound food or drugs may be seized and destroyed.

See Tas., 37, 1903, sec. 105.

Vic., 1098, 1890, secs. 52, 53, 54.

- i. If the inspector is satisfied that the animal or article of food or drug is utterly unfit for human consumption, and should forthwith be destroyed in order to prevent offensiveness or disease, he may, on the authority in writing of a Justice, cause it to be destroyed accordingly:
- ii. In any other case the animal or article of food or drug shall be kept to abide the order of a Special Magistrate or two Justices in proceedings which shall be forthwith taken against the person in whose possession or on whose premises it was when seized:
- iii. If in such proceedings it appears to the Court that the animal or article so seized is diseased, or unsound, or unwholesome, or unfit for human consumption, the Court shall by order—
  - (a) Condemn it and direct it to be destroyed or otherwise disposed of, so as to prevent it from being used for human consumption, at the expense in all things of the defendant; and also
  - (b) Fix the expenses incurred in seizing and keeping the animal or article to abide the proceedings, and require the defendant to pay the same; and may also
  - (c) Impose on the defendant a penalty not exceeding Twenty Pounds:
- iv. For all purposes of this section it shall, until the contrary is proved, be presumed that the animal or article of food or drug was intended to be sold or prepared for sale for human consumption.

**36.** On complaint made on oath by any inspector or constable, any Justice may grant a warrant to such officer to enter any building or part of a building in which such officer has reason for believing that there is kept or concealed any drug or article intended for the food of man, which is intended for sale, and is diseased, unsound, or unwholesome, or unfit for the food of man; and to search for, seize, and carry away any such drug or food in order to have the same dealt with by a Special Magistrate or two Justices under this Act.

Search warrant may be granted by a Justice.

Imp. Public Health Act, 1875, sec. 119

Same amended, 1890, sec. 28.

*The Food and Drugs Act.—1908.***PART III.**

Penalty for obstruction.

Any person who obstructs any such officer in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding Twenty Pounds.

Lead pipe for drawing beer.

New.

**37.** No person shall use for drawing from any receptacle any fermented liquor known as beer, ale, porter, stout, or any other malt liquor for the purpose of sale—

1. Any pipe made wholly or partly of lead :
11. Any pipe which is not kept in a clean and wholesome condition, or which contains any matter, sediment, or growth likely to be injurious to health.

Penalty, not exceeding Five Pounds.

Testing of spirits.

See S.A., 191, 1880, sec. 127; S.A., 319, 1884, s. 58.

**38.** Any inspector may at any reasonable time enter any premises where spirits are sold or exhibited or stored or prepared for the purpose of sale, and, without purchasing any quantity, may test the alcoholic strength of such spirits, and, if such spirits are found to be diluted beyond the limit stated in section 22 of this Act, may also, without paying for the same, take and carry away any quantity of such spirits, and shall, if required to do so, leave a sealed sample of the quantity so taken with the seller or person in charge of such spirits.

Penalty.

If such spirits are found to be diluted beyond such limit, the seller or person in charge of the same shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds.

**PART IV.****PART IV.****ANALYSIS.**

Power to owner or purchaser of an article of food to have it analysed.  
S.A., 257, 1882, sec. 13; Imp. Act, 1875, sec. 12.

**39.** Any owner or purchaser of an article of food or of a drug, on payment of a fee according to a scale to be fixed by the Governor by Proclamation, shall be entitled to have such article analysed and to receive from the analyst a certificate of the result of his analysis.

Officer or constable to obtain a sample of food or drug in course of transit or during delivery to submit to analysis.

See S.A., 257, 1882, sec. 14.  
Imp. Acts, 1879, sec. 3; 1899, sec. 14.

**40.** (1) Any inspector or any police constable, under the direction of any local authority, may procure, without payment, at the place of delivery, or at any railway station or other place during transit, or upon the premises of or elsewhere in the possession of any person for the purpose of carriage, any reasonable quantity as a sample of any food or drug in course of delivery to the purchaser or consignee in pursuance of any contract or agreement for the sale to such purchaser or consignee of such food or drug; and such inspector or constable may send or deliver the same to an analyst to be analysed; and after analysis proceedings shall be taken in like manner in all respects as if such inspector or constable had purchased the same from the seller or consignor under section 39 of this Act.

(2) If

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(2) If the seller or consignor, or any person entrusted by him, or either of them for the time being, with the charge of such food or drug, shall refuse to allow any such officer or constable to take the quantity which such officer or constable shall require for the purpose of analysis, he shall be liable to a penalty not exceeding Twenty Pounds.

(3) In the case of a sample taken of milk in course of delivery under this section, the person taking the sample shall forward a portion of the sample marked, and sealed, or fastened up, to the consignor if his name and address appear on the can or package consigning the article sampled.

**41.** (1) Any inspector or any police constable, under the direction and at the cost of the local authority, may at any time in the day time or at any time when work or business is being carried on therein, enter any manufactory, warehouse, store, building, or place where food or drugs are manufactured, exposed for sale, or kept or stored for the purpose of trade or commerce, and may require the owner or occupier, or the agent or servant of either of them, to show and permit the inspection of the vessels or other receptacles in which such food or drug is at the time kept, and all apparatus and utensils used in the preparation, sale, distribution or delivery of such food or drug, and may select, demand, and take, for the purpose of examination, or of analysis by an analyst, samples of such food or drugs on payment or tender of the fixed rate (if any) or the current market or a reasonable price therefor.

(2) If any such inspector or constable, as above described, shall apply to purchase any article of food or any drug exposed or kept for sale, or on sale, on any premises or in any factory, warehouse, workshop, shop, or in any street or open place, or being carried for sale or delivery as may be selected by him, and shall tender not less than the fixed rate (if any) or the current market or a reasonable price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing, keeping, or having the same for or on sale, or carrying the same for sale or delivery, shall refuse to sell the same to such inspector or constable, such person shall be liable to a penalty not exceeding Twenty Pounds: Provided that where any article of food or drug is exposed or kept for sale or on sale, or carried for sale or delivery in an unopened tin or packet, duly labelled, no person shall be required to sell less than the unopened tin or packet of such food or drug. In any prosecution under this section, if it be proved that the article of food or drug charged in the information was in the possession of the defendant it shall be presumed that it was exposed or kept for sale, or was on sale, or was being carried for sale or delivery (as the case may be) unless the defendant prove to the contrary.

(3) If any rates have been fixed by regulation for the payment for samples of any food or drug it shall not be necessary for any inspector or constable to pay or tender any higher price for such sample.

**PART IV.**

Penalty for refusing to give food or drugs in transit for analysis.

S.A. 257, 1882, sec. 15.

Imp. Act, 1879, sec. 4.

Division of samples taken in course of delivery or transit.

Imp. Act, 1899, sec. 10.

Inspection and sampling of food and drugs.

See S.A., 257, 1882, sec. 14.

Imp. Act, 1875, sec. 13.

Person refusing to sell any article to any officer liable to a penalty.

S.A., 257, 1882, sec. 19.

Imp. Acts, 1875, sec. 17; 1879, sec. 1899, sec. 18.

**42.** (1) The

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Provision for dealing  
with the sample  
when purchased.

S.A., 257, 1882,  
sec. 16.  
Imp. Act, 1875,  
sec. 14; 1899, sec. 13.

**42.** (1) The person purchasing any article under the provisions of section 39 or 41 with the intention of having the same analysed and taking proceedings shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article his intention to have the sample analysed, and shall divide the article into three parts, to be then and there separated, and each part to be marked and sealed, or fastened up in such a manner as its nature will permit, and shall, if required to do so, deliver one of the parts to the seller or his agent.

(2) He shall afterwards retain one of the said parts for future comparison, and send or deliver the third part to the Central Board of Health.

(3) The Board shall send or deliver the sample to an analyst, who shall with all convenient speed analyse the same and give a certificate to the Board wherein he shall specify the results of the analysis.

Form of certificate.  
S.A., 257, 1882,  
sec. 20.  
Imp. Act, 1875,  
sec. 18.

Analyses for local  
authorities free of  
charge.  
New.

**43.** Every certificate of analysis under this Act shall be in the form set forth in the schedule hereto, or to the like effect.

**44.** Every analysis made under sections 40 and 41 for a local authority, with the concurrence of the Central Board of Health, shall be made without charge to such local authority.

**PART V.****PART V.****PENALTIES AND PROCEDURE.**

Obstruction of officer  
in discharge of his  
duties.

Imp. Act, 1899,  
sec. 16.

**45.** Any person who wilfully obstructs or impedes any inspector or other officer in the execution of his duties under this Act, or by any gratuity, bribe, promise, or other inducement prevents, or attempts to prevent, the due execution by such inspector or officer of his duty under this Act, shall be liable to a penalty not exceeding Twenty Pounds.

Local authority, &c.,  
indemnified.

London Public Health  
Act, Imp., 1891,  
sec. 124.

**46.** Nothing done *bonâ fide* by any local authority or inspector or other person acting under the direction or in the proper and ordinary course of their duty of a local authority or the Central Board of Health shall subject them or any of them personally to any action, liability, claim, or demand whatsoever.

Penalties for offences.

See S.A., 257, 1882  
sec. 4.  
Imp. Act, 1899,  
sec. 17.

**47.** (1) In this Act the penalty set forth at the foot or end of or elsewhere in a section indicates that any contravention of such section, whether by act or omission, shall be an offence, punishable, upon conviction, by the penalty so set forth.

(2) Where no minimum penalty is set forth for any offence against any provision of this Act the minimum penalty shall be one-tenth of the maximum penalty.

(3) Where a person guilty of an offence under this Act is liable to a penalty not exceeding Twenty Pounds he shall be liable  
on



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on a second conviction for a second offence to a penalty not exceeding Fifty Pounds, and on any third or subsequent conviction to a penalty not exceeding One Hundred Pounds.

PART V.

(4) Where, under any provision of this Act a person guilty of an offence is liable to a penalty which may extend to Fifty Pounds or more as a maximum, and the offence, in the opinion of the Court, was committed by the personal act, default, or culpable negligence of the person accused, that person shall be liable, if the Court is of opinion that a fine will not meet the circumstances of the case, to imprisonment, with or without hard labor, for a period not exceeding six months.

48. If any person convicted of an offence under this Act shall afterwards commit a like offence, it shall be lawful for the Court before which the second conviction shall take place to cause the offender's name, place of abode, and offence, and the penalty imposed to be published at the expense of such offender in such newspapers or in such other manner as the Court shall direct.

On second offence,  
power to publish  
name of offender.

N.Z., 20, 1880,  
sec. 40.

The expense of such publication shall be deemed part of the costs attending the conviction, and shall be recoverable in the same manner as costs are recoverable.

Expense of publica-  
tion.

49. Every monetary penalty imposed and recovered under this Act shall be paid in the case of a prosecution by an officer of a local authority or constable to such officer or constable, and shall be by him paid to the authority for which he acts, and be applied towards the expenses of executing this Act; but in the case of any prosecution by the Central Board of Health the penalties shall be paid into the general revenue.

Application of  
penalties.

S.A., 257, 1882,  
sec. 23.

Imp. Act, 1875,  
sec. 26.

50. When an analyst having analysed any article shall have given his certificate of the result, from which it may appear that an offence against any of the provisions of this Act has been committed, any person may take proceedings for the recovery of the penalty herein imposed for such offence before a Special Magistrate or any two Justices of the Peace.

Proceedings against  
offenders.

See S.A., 257, 1882,  
sec. 22.

Imp. Act, 1875,  
sec. 20.

Tas., 37, 1903,  
sec. 138.

51. (1) When any article of food or drug has been purchased from any person for analysis, any information shall be laid within twenty-eight days from the time of the purchase.

Time for proceeding  
and regulation as to  
summons.

(2) In any prosecution under this Act the summons shall state particulars of the offence alleged, and also the name of the informant, and, except in proceedings under section 35, shall not be made returnable in less time than fourteen days from the day on which it is served, and there must be served therewith a copy of any analyst's certificate obtained on behalf of the prosecutor.

Summons to state  
particulars.

Imp. Act, 1899,  
sec. 19.

(3) In any proceedings under this Act any article that may be both an article of food and a drug may be described either as an article of food or as a drug.

(4) At

*The Food and Drugs Act.—1908.***PART V.**

Certificate of analyst  
*prima facie* evidence  
for the prosecution  
or defence, but  
analyst to be called  
if required.

S.A., 257, 1882,  
sec. 25.

Imp. Acts, 1875,  
sec. 21; 1899, sec. 22.

(4) At the hearing of any proceedings under this Act the production by the informant or the defendant of a certificate purporting to be signed by an analyst shall be sufficient evidence of the identity of the food or drug analysed, and of the result of the analysis and of the facts therein stated, without proof of the signature of the person appearing to have signed the same, unless either party shall require that the analyst shall be called as a witness, and the parts of the articles retained by the person who purchased the article shall be produced: Provided that at least three clear days' notice before the return day shall be given to the analyst if he is required to attend as a witness and: Provided that a copy of a certificate to be used by the defendant shall be sent to the informant at least three clear days before the return day, and if it be not so sent the Court may, if it thinks fit, adjourn the hearing on such terms as it may deem proper.

Justices may act  
though members of  
Central Board or  
local authority or  
liable to contribute.

London Public Health  
Act, Imp., 1891,  
sec. 122.

**52.** No Judge, Special Magistrate, or Justice of the Peace shall be debarred from hearing and determining informations or otherwise acting as such Judge, Special Magistrate, or Justice under this Act by reason—

- I. Of his being a member of the Central Board of Health or of any local authority; or
- II. Of his being one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses incurred by a local authority are to be defrayed: or
- III. Of his having taken part as such member of the Central Board or local authority in any deliberation out of which such prosecution may have arisen: or of his having been present at or taken part as such member in any meeting of such Central Board or local authority at which any information so to be heard and determined may have been advised or been directed to be laid.

Power of Court to  
have articles of food  
and drug analysed.

S.A., 257, 1882,  
sec. 26.

Imp. Act, 1875,  
sec. 22.

**53.** The Court before which any proceedings are taken, or the Local Court of Full Jurisdiction, on any appeal, may, upon the request of either party, in its discretion cause any article of food or drug to be sent to the Central Board of Health, who shall thereupon direct an analyst to make an analysis and give a certificate to such Court of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the Court may by order direct.

Proceedings in respect  
of offences.

**54.** All proceedings in respect of offences against this Act shall be by information, and shall be heard and determined in a summary way before any Special Magistrate or any two Justices under Ordinance No. 6 of 1850 and Act No. 298 of 1883-4, and any Act for the time being in force amending or substituted therefor.

**55.** There

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**55.** There shall be an appeal from any order or conviction or dismissal under this Act to the nearest Local Court of Full Jurisdiction, or, at the option of the appellant, to the Local Court of Full Jurisdiction at Adelaide; and the proceedings on such appeal shall be conducted in manner appointed by the Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4 and any Act amending or substituted for the same.

**PART V.**

Appeal to nearest  
Local Court of Full  
Jurisdiction.  
S.A., 257, 1882,  
sec. 27.  
Imp. Act, 1875,  
sec. 23.

The Local Court may state a special case for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case and make such order therein as to the said Supreme Court shall appear just.

Special case.

**56.** In any prosecution under this Act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this Act, it shall be incumbent upon him to prove the same.

In any prosecution  
defendant to prove  
that he is protected by  
exception or otherwise  
S.A., 257, 1882.  
Imp. Act, 1875,  
sec. 24.

**57.** If the defendant in any proceedings under this Act prove to the satisfaction of the Court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect, and that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as that in which he purchased it, the information shall be dismissed, but the defendant shall be ordered to pay the costs incurred by the informant unless the defendant shall have given due notice to the informant that he will rely on the above defence.

Defendant to be  
discharged if he  
prove that he bought  
the article in the  
same state as sold,  
and with a warranty  
No costs except on  
issues proved against  
him.  
S.A., 257, 1882,  
sec. 29.  
Imp. Act, 1875  
sec. 25.

**58.** (1) A warranty shall not be available as a defence to any proceeding under this Act unless the defendant has, within seven days after service of the summons, sent to the purchaser a copy of such warranty with a written notice stating that he intends to rely on the warranty, and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to such person.

Provisions as to use  
of warranty as  
defence, and  
proceedings against  
the warrantor.  
Imp. Act, 1899,  
sec. 20.

(2) The person by whom such warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the Court may, if it thinks fit, adjourn the hearing to enable him to do so.

(3) A warranty given by a person resident outside South Australia shall not be available as a defence to any proceeding under this Act.

(4) Where the defendant is a servant of the person who purchased the article under a warranty, he shall, subject to the provisions of this section, be entitled to rely on section 57, in the same way as his employer or master would have been entitled to do if he had been the defendant: Provided that the servant further proves that he had no reason to believe that the article was otherwise than that demanded by the prosecutor.

(5) Where

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(5) Where the defendant in a prosecution under this Act has been discharged under the provisions of section 57, any proceedings under this Act for giving the warranty relied on by the defendant in such prosecution may be taken as well before a Court having jurisdiction in the place where the article of food or drug to which the warranty relates was purchased for analysis as before a Court having jurisdiction in the place where the warranty was given.

(6) Every person who, in respect of an article of food or drug sold by him as principal or agent, gives to the purchaser a false warranty in writing shall be liable on summary conviction to a fine not exceeding Twenty Pounds, unless he proves to the satisfaction of the Court that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were true.

Punishment for forging certificate or warranty.

S.A., 257, 1882, sec. 30.  
Imp. Acts, 1875, sec. 27; 1899, sec. 20 6).

**59.** (1) Any person who shall forge, or who shall utter, knowing it to be forged, any certificate or any writing purporting to contain a warranty, shall be guilty of a misdemeanor, and be punishable on conviction by a penalty of not less than Fifty Pounds nor more than Two Hundred Pounds, or by imprisonment for a term of not exceeding two years with hard labor.

Punishment for applying wrong certificate or warranty.

(2) Every person who shall wilfully apply to an article of food, or a drug, in any proceedings under this Act, a certificate or warranty given in relation to any other article or drug shall be guilty of an offence against this Act, and be liable to a penalty not exceeding Twenty Pounds.

Punishment for giving false label.

(3) Every person who shall wilfully give a label with any article sold by him which shall falsely describe the article sold shall be liable to a penalty not exceeding Twenty Pounds.

Punishment for publishing false warranty or analysis.

New.

(4) Any person who shall for any purpose whatever, directly or indirectly, publish or advertise in any way any matter purporting to be a warranty or analysis under this Act, or to be part of any such warranty or analysis, or any matter purporting to be a copy of any such warranty or analysis or part thereof, unless such matter be accurate and true in every particular, shall be liable to a penalty not exceeding Twenty Pounds.

Analysis made for purposes of Act not to be used for advertising.

New.

(5) Any person who shall in any writing, for trade purposes or any advertisement, refer to any analysis made for the purposes of this Act shall be liable to a penalty not exceeding Twenty Pounds.

Proceedings by indictment and contracts not to be affected.

S.A., 257, 1882, sec. 31.  
Imp. Act, 1875 sec. 28.

**60.** Nothing in this Act contained shall take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals, and the rights and remedies belonging thereto: Provided that in any action brought by any person for a breach of contract on the sale of any article of food or of any drug such person may recover alone or in addition to any other damages recoverable by him the amount of any penalty in

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in which he may have been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug, the subject of such conviction, was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

**PART V.****PART VI.****PART VI.****REGULATIONS.**

**61.** The Governor, acting on the advice of the Advisory Committee, may from time to time make regulations, which may vary in their application according to time and place or the destination of the article referred to in the regulation prescribing all such things as are necessary or convenient to be prescribed for the purposes of this Act, including, amongst other things, the purposes following:—

Power to make regulations.

See Tas., 37, 1903, sec. 147.

Imp. Act, 1899, sec. 4.

N.S.W., 30, 1902, secs. 77, 86

- (1) The inspection and analysis of drugs, chemicals, patent medicines, and proprietary articles:
- (2) Regulating and fixing the standards of food and drugs that may be sold, and of the several ingredients of any such food or drug:
- (3) Prescribing what substances and what quantities thereof added to any article of food or drug shall render such article of food or drug injurious to health within the meaning of this Act:
- (4) Prohibiting the sale, and providing for the destruction of such drugs and chemicals and articles of food as are injurious to health within the meaning of this Act, or not in accordance with the regulations under this Act:
- (5) Publishing reports of analyses of foods and drugs made by the Government Analyst, together with the names and addresses of the dealers and the prices at which such articles were sold:
- (6) Regulating and fixing the wording, lettering, and other contents of labels on any articles of foods and drugs, including patent medicines and proprietary articles:
- (7) The regulation and restriction and conditions of the sale of poisons:
- (8) Fixing rates for payment for samples of articles of food and of drugs required to be purchased or procured under section 41 of this Act:

(9) Securing

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## PART VI.

- (9) Securing the wholesomeness, cleanliness, freedom from contamination and adulteration of any food or drug, and securing the cleanliness of receptacles, places, vehicles, and vessels used for the manufacture, preparation, storing, packing, delivery, or serving of any food or drug:
- (10) Imposing penalties not exceeding Fifty Pounds for any breach of the regulations:
- (11) The licensing of cowkeepers, dairymen, and vendors of milk, and the registration and inspection of dairies, milk stores, and milk shops, the fees to be paid for such licensing, registration, and inspecting respectively, and the payment and recovery of such fees:
- (12) Prohibiting the use of specified substances or methods in the catching, feeding, or drugging of animals shortly prior to death, such animals being intended for sale as food.

Publication of  
regulations.

**62.** All regulations so made shall—

- i. Be published in the *Government Gazette* ;
- ii. Take effect from the date of publication, or from a later date to be specified in such regulations; and
- iii. Be laid before both Houses of Parliament within one month after publication if Parliament is then in Session, and if not, then within thirty days after the commencement of the next Session;

but if either House of Parliament passes a resolution at any time within thirty sitting days after such regulations have been laid before such House disallowing any regulation, or part thereof, such regulation, or part thereof, shall thereupon cease to have effect: Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it, then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

Local by-laws and  
regulations to con-  
tinue in force.

**63.** For the purposes of this Act, and notwithstanding anything herein contained, all by-laws and regulations with respect to dairies, milk stores, milk shops, and cowkeepers, dairymen, and vendors of milk in force within the district of any local authority at the time of the coming into operation of this Act shall, except where or so far as inconsistent with or repugnant to the provisions of this Act, remain in full force and virtue until altered, modified, amended, or repealed by regulations validly made under this Act.

By-laws and regula-  
tions evidence on  
production of  
*Government Gazette*  
containing copy  
thereof.

M.C.A., 1890,  
sec. 327.

**64.** In any prosecution for any offence under any regulations made in pursuance of this Act, or of any by-laws or regulations referred to in section 63, the production of the *Government Gazette* containing a copy of the same shall, without any other proof, be received as *prima facie* evidence of the existence thereof in all Courts and before all Justices and tribunals.

**65.** (1) If

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**65.** (1) If any person shall, after the coming into operation of this Act, establish or carry on, at any premises within the district of any local authority, the business of manufacturing or preparing for sale ice cream, or ginger beer, or hop beer, or any similar beer or soda water, lithia water, or other mineral water, or lemonade, or other aerated waters or cordials without first obtaining a licence from the local authority in whose district the premises are situated, he shall be liable to a penalty not exceeding Twenty Pounds.

(2) The local authority in whose district the premises are situated may fix the annual fee for such licence, not exceeding Two Pounds.

(3) Such local authority may refuse a licence if, upon the report of their inspector, they deem the premises unsuitable, or the applicant unfit to hold a licence.

**PART VI.**

Licence required for manufacture of ice cream and aerated waters.

Victoria Pure Food Act, No. 2010 of 1906.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

*The Food and Drugs Act.—1908.*

## SCHEDULE.

## FORM OF CERTIFICATE.

I, the undersigned, being an analyst duly appointed under "The Food and Drugs Act, 1908," do hereby certify that I received, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, from \* \_\_\_\_\_, a sample of \_\_\_\_\_ sealed and marked † \_\_\_\_\_, and have analysed the same, and declare the result of my analysis to be as follows:—  
I am of opinion that † \_\_\_\_\_

*Observations. §*

As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at \_\_\_\_\_, an Analyst under "The Food and Drugs Act, 1908."

\* Here insert the name of the person delivering or consigning the sample.

† When the sample was received unsealed the word "sealed" should be struck out. If there were no marks on the sample or wrappings when received, the blank may be left unfilled or the words "and marked" struck out.

‡ Here the analyst may state whether the sample is genuine, or state the proportions of some or all of its ingredients, or the percentages of foreign ingredients (if any).

§ Here the analyst may insert, at his discretion, his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials render the article injurious to health or not.

In the case of a certificate regarding milk, butter, or any article liable to change, the analyst shall specially report any change which, in his opinion, had taken place in the constitution of the article that would interfere with the analysis.





ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

\*\*\*\*\*

No. 969.

An Act to amend the Taxation Acts, and for other purposes.

[*Assented to, December 23rd, 1908.*]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**1.** This Act may be cited as "The Taxation Act Amendment Act, 1908," and shall be read and incorporated with the "Taxation Act, 1884," and the Acts amending the same. Short title and incorporation.

**2.** The following provisions of the "Taxation Act, 1884" are hereby repealed, namely:—Section 70, the definitions of the terms "income derived from personal exertion," "income consisting of the produce of property," "actual value" and "unimproved value" contained in section 2 and subsection x. of section 12 and section 12 and subsection 3 (b) of section 17 of "The Taxation Act Amendment Act, 1904," and also sections 2, 4, and 5 of "The Taxation Act Amendment Act, 1905." Repeal.

**3.** Taxes on income are hereby imposed at the following rates:— Rates of Income Tax.

(a) On all income derived from personal exertion at the rate of Four Pence and One Halfpenny for every Pound sterling of the taxable amount thereof up to and inclusive of the sum of Eight Hundred Pounds, and at the rate of Seven Pence for every Pound sterling of such amount above the sum of Eight Hundred Pounds:

(b) On

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Act No. 894 of 1905,  
altered.

(b) On all income consisting of the produce of property at the rate of Nine Pence for every Pound sterling of the taxable amount thereof up to and inclusive of the sum of Eight Hundred Pounds, and at the rate of Thirteen Pence and One Half-penny for every Pound sterling of such amount above the sum of Eight Hundred Pounds.

Persons absent for  
twelve months not  
entitled to exemption

4. No person who shall have been out of South Australia for the twelve consecutive months covered by the period under assessment shall be entitled to any deduction by way of exemption from income tax: Provided that no officer of or person employed by the State of South Australia whilst so employed out of the State shall be deemed to be an absentee under the provisions of this Act or any other Taxation Act.

"Income consisting of  
the produce of  
property."

5. "Income consisting of the produce of property" shall mean and include all rents, fines and premiums payable on the granting or the renewal of leases, interest, and annuities, with the following exceptions, namely:—Interest derived from any Bonds, Inscribed Stock, Treasury Bills, or other securities of the Government of the State of South Australia, which interest is hereby declared to be exempt from all taxation, and shall, under all circumstances whatsoever, anything to the contrary heretofore enacted notwithstanding, be excluded from the taxable amount of income of every taxpayer.

"Income derived  
from personal  
exertion."

6. "Income derived from personal exertion" shall include every kind of profit and every kind of gain, whether arising in the course of business or otherwise howsoever, except gifts, legacies, and bequests, and shall also include all salaries, wages, allowances, pensions, or stipends, with the exception of "income consisting of the produce of property."

Goodwill to be  
included in computing  
income.

7. Any amount payable and the value of any property or shares taken by way of goodwill upon the sale or transfer of any business shall be included in computing income from personal exertion. And if upon a *bonâ fide* sale of any business a loss shall have been incurred, such loss shall be allowed against any "income from personal exertion" of such taxpayer in the year in which such business shall be sold.

Income from life  
assurance.

8. In actuarially computing profits and surplus from life assurance, under subsection 3 (a) of section 17 of "The Taxation Act Amendment Act, 1904," all rents, interests, and other profits and earnings, including interest chargeable by any company on overdue premiums, shall be included: Provided always, that interest derived from any Bonds, Inscribed Stock, Treasury Bills, or other securities of the Government of the State of South Australia, which interest is by section 5 of this Act declared to be exempt from all taxation, shall be excluded from the actuarial computation.

9. In

*The Taxation Act Amendment Act.—1908.*

**9.** In the case of the income of a taxpayer being a company carrying on business other than life assurance in the said State, and also elsewhere, the taxable amount of income shall be ascertained as follows:—

Companies carrying on business in South Australia and elsewhere.

- (a) Where the amount of income arising or accruing in or derived from South Australia is capable of being kept separate and apart from income arising or accruing in or derived from elsewhere, the amount of income arising or accruing in or derived from South Australia shall be the taxable amount:
- (b) Where such first-mentioned income is income not capable of being kept separate and apart, the public officer of the company shall furnish a return to the Commissioner with a statement of account in a prescribed form showing a true estimate of the amount of income which shall have arisen or accrued in or been derived from South Australia and the method by which such estimate has been ascertained. The Commissioner may accept such estimate or make an assessment against the company for such amount as he shall deem fit, which assessment shall be open to appeal.

**10.** In the case of every party being a carrier by sea who shall not reside in South Australia, or being a company, shall not be registered in South Australia, and who or which shall carry passengers or goods to or from South Australia, the net taxable income of such carrier in the business of a carrier by sea, shall be calculated and assessed at the rate of Five Pounds upon every Hundred Pounds of the gross moneys paid or payable to or receivable by such carrier, whether in South Australia or elsewhere, for the carriage of passengers, mails, or goods out of any port in South Australia, whether to some other port in South Australia or to some other place.

Income from foreign shipping.

**11.** If the account shall be the account of a taxpayer in his sole individual right, Two Hundred Pounds shall be deducted from the net amount of income the produce of property, but if such income shall not amount to Two Hundred Pounds the difference shall be deducted from the income derived from personal exertion, and any net loss in the production of either income shall be deducted from the net amount of the other income.

Increase of exemption to £200.

**12.** In lieu of section 11 of Act No. 604 of 1894, it is hereby enacted that if any taxpayer shall prove to the satisfaction of the Commissioner that an overpayment of any tax has been made the sum overpaid shall be refunded by the Treasurer: Provided that application for refund shall be made within twelve calendar months after the overpayment.

Refund of overpaid taxes.

**13.** "Unimproved value" of any land shall be deemed to be the capital amount for which the fee simple of such land might be expected to sell if free from encumbrances, assuming the actual improvements

Definition of "unimproved value."

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improvements (if any) thereon had not been made: Provided that "improvements" shall be deemed to be houses and buildings, fixtures, or other building improvements of any kind whatsoever, fences, bridges, roads, tanks, wells, dams, fruit trees, bushes, shrubs, or other plants, whether planted or sown for trade or other purposes, draining of land, ringbarking, clearing from timber or scrub, and any other visible improvements the benefit of which is unexhausted at the time of valuation.

Muniments of title to land transferred to Commissioner.

Cf. Act 909, 1908, sec. 14.

**14.** Notwithstanding anything contained in "The Real Property Act, 1886," it shall be lawful for the Commissioner of Taxes, as regards all lands heretofore transferred or conveyed, or which shall hereafter be transferred or conveyed to him under the provisions of section 8 of "The Taxation Act Amendment Act, 1902," from time to time to forward the grant, certificate, or other muniment or muniments of title to all or any of such lands to the Registrar-General for the said State, or other proper officer, and to request the said Registrar-General or such other officer, in writing, to forthwith cancel such grant, certificate, or other muniment or muniments of title.

Muniments to be cancelled.

Cf. *ibid*, sec. 15.

**15.** The said Registrar-General, or such other officer as aforesaid, shall thereupon cancel such grant, certificate, or other muniment or muniments of title by indorsing thereon and in the register book the words "Cancelled, the within land having been acquired by the Crown," and shall sign such indorsement; and thereafter all such lands shall, for the purposes of "The Real Property Act, 1886," be dealt with and regarded in all respects as if they had never been theretofore alienated from the Crown.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

# THE LICENSING ACT, 1908

(No. 970 of 1908).

## ARRANGEMENT OF SECTIONS.

### SECTION.

#### PART I.—PRELIMINARY.

1. Short title.
2. Division of Act.
3. Repeal.
4. Interpretation.

#### PART II.—LICENSING DISTRICTS AND BENCHES AND MEETINGS.

5. Licensing districts may be proclaimed, benches appointed, and meetings fixed.
6. Date of meeting may be altered in certain cases.
7. Adjournment of bench when no quorum.
8. Bench to appoint chairman.
9. Disqualification of certain Justices.
10. Dates of annual and quarterly meetings; special meetings for forfeiture of licences.

#### PART III.—CLASSES OF LICENCES, AND HOW GRANTED, RENEWED, TRANSFERRED, TRANSMITTED, REMOVED, AND FORFEITED.

##### DIVISION I.—LICENCE REQUIRED FOR SALE OF LIQUOR.

11. No liquor to be sold in quantities of less than 5galls., or billiard or bagatelle table to be kept, without a licence.
12. Who disqualified from holding licences.
13. Exceptions to application of Act; limitation of application of Act.
14. Modification of Railway Refreshment-rooms Act.

##### DIVISION II.—CLASSES OF LICENCES AND FEES.

15. Nature of licences.
16. Publican's licence and annual fee.
17. Storekeeper's licence and annual fee.
18. Wine licence and annual fee.
19. Storekeeper's Australian wine licence and annual fee.
20. Licensee under storekeeper's or storekeeper's Australian wine licence not to hold wine licence.
21. Packet licence and annual fee.
22. Registration of club.
23. Brewer's colonial ale licence and annual fee.  
Holder of such licence not to hold wine licence or storekeeper's licence.  
Provisions applicable to brewer's colonial ale licences.
24. Distiller's storekeeper's licence and annual fee.  
Holder of distiller's licence not to hold storekeeper's or wine licence.  
Provisions applicable to distiller's storekeeper's licences.
25. Billiard-table licence and annual fee.
26. Increase of fees consequent upon local option reduction.
27. Fees to be paid to Treasurer.

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28. Licences to take effect from date of issue.
29. Licences for part of the year.

#### DIVISION III.—APPLICATIONS FOR LICENCES, MEMORIALS, AND OBJECTIONS.

30. Application for licences, other than packet licences, to be made to bench.
31. Packet licence to be granted by Treasurer.
32. Application for publican's or wine licence for new premises to be commenced by deposit of plans and notice.
33. Bench to grant or refuse licence, or to decide whether licence will be granted to premises erected in accordance with plans.
34. Application for other licences.
35. Memorial against new licence.
36. Memorial and copy for service to be lodged.
37. Certified list of electors to be evidence.
38. Where licence refused by reason of memorial no licence to be subsequently issued except on memorial by majority of electors.
39. Manner of application by new applicant for licence in respect of previously licensed premises.
40. Untrue certificate.
41. Manner of application for renewal of any licence.
42. Notice of application to Commissioner of Police and inspector.
43. Notice to be given of time for making objections.
44. Proceedings on consideration of application to be public.
45. Personal attendance for renewal or transfer of licence not requisite unless notice of objection given.
46. Notice of objection to be served.
47. Objections to licences and renewals.
48. Clerk of bench to sign licences. Treasurer or officer appointed by him to issue same.
49. Until fee paid person entitled to licence deemed unlicensed. If not paid within two months, licence void.
50. List of licences issued and notice of non-payment of fees to be published in *Gazette*.

#### DIVISION IV.—TRANSFER OF LICENCES.

51. Transfer of licences.
52. Nature of objections to transfers.
53. Bench may transfer licence.

#### DIVISION V.—TRANSMISSION OF LICENCES.

54. Transmission of licences in certain events by certificate of Special Magistrate or two Justices.

#### DIVISION VI.—REMOVAL OF LICENCES.

55. Removal of licence to other premises.
56. Nature of objections to removal of licence.
57. Mode of removal of licence from one house to another.

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## DIVISION VII.—PROCEDURE ON HEARING OF APPLICATION.

- 58. Proceedings on application for transfer or removal same as on application for licence.
- 59. Discretion of bench as to all applications. Need not state grounds for decision. No compensation on non-renewal of licence.
- 60. Witnesses may be summoned.
- 61. Applicant may be required to give evidence.
- 62. Costs may be given against unsuccessful objector.
- 63. Special permits to carry on licensed premises.

## DIVISION VIII.—SPECIAL AUTHORITIES TO SELL LIQUOR.

- 64. Five days' certificates may be granted in cases of fairs and certain other occasions.
- 65. Packet certificates.
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- 67. Provision for carrying on business during absence of licensed person.
- 68. Certificates to sell liquor on goldfields, and renewals thereof.

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- 69. Licences, how absolutely forfeited.
- 70. Licence may be forfeited if holder twice, and shall be if thrice, convicted within two or three years.
- 71. Offence of transferor who transfers to wife, and *vice versa*, to be deemed offence of transferee as regards liability to forfeiture.
- 72. Forfeiture not a waiver of penalty.
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- 74. Landlord in case of forfeiture of licence may be authorised to carry on business.

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- 75. Incorporated company may hold publican's licence.  
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Company liable for fines and penalties.
- 76. No publican's or wine licence to be held by a woman, except in certain cases.
- 77. Costs may be ordered.
- 78. Clerk of Court in which forfeiture ordered to forward particulars to Clerk of Adelaide Bench.
- 79. Clerks of benches to publish particulars of applications and of forfeitures and certificates.  
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- 82. Existing licences.
- 83. No liquor to be sold or supplied in club unless registered, nor except to a member.
- 84. No club registered unless Act complied with.
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- 88. Notice of application to Commissioner of Police and inspector.
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- 90. Notice to be given of time for making objections.
- 91. Personal attendance of applicant required in certain cases.
- 92. Proceedings on consideration of application. Bench need not state grounds for decision. No compensation for non-renewal.
- 93. Objections to grant or renewal of registration.
- 94. Who may take objections.
- 95. Notice of objection.
- 96. Bench may grant certificate of registration.

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- 97. Annual fee for club.
- 98. Club unregistered until certificate actually issued.
- 99. Notice to be given of change of steward or manager and certified copy of amendments or alteration of rules to be forwarded within fourteen days.
- 100. Upon complaint, certificate of registration may be cancelled.
- 101. Certificate to be produced for indorsement of convictions, and upon hearing of complaint for forfeiture thereof.
- 102. Steward or manager to produce certificate, register, and rules of club on demand of Inspector.
- 103. Certificate of removal. Application, how dealt with. What objections may be taken.
- 104. Exemption of residential and athletic clubs.
- 105. Punishment for false statement in notice or declaration.
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- 107. Licences for previously unlicensed premises at Renmark.—Variation of purposes.—Renewals.

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- 109. Names to be kept up, and also lighted lamps. Governor may make regulations respecting lamps, on recommendation of Marine Board or similar authority.
- 110. Only one bar-room, except by permission of bench. Additional bar not part of accommodation. Subletting bar.
- 111. Corpses not to be refused under a penalty.
- 112. Stranger's goods not to be liable to the rent of licensed houses.
- 113. Tippling clause.
- 114. Penalty on licensed persons taking pledges, or payment in anything except coin or bank notes.
- 115. Penalty for allowing unlawful games, betting, &c., or presence of disorderly persons. Presumption of knowledge.
- 116. Power to exclude or expel certain persons from licensed premises.
- 117. Permitting drunkenness or riotous conduct on premises.
- 118. Licensee drunk on premises liable to penalty.
- 119. Theatrical performances, music, or dancing not to take place without permission.
- 120. Clauses to be set up in bar-room.
- 121. Retail stores not to be kept together with public-houses and wine-houses in towns.
- 122. No communication for supply of liquor to be kept open between public-houses or wine-houses and stores or eating-houses.
- 123. Persons who have forfeited or been refused licences not to be employed as managers.
- 124. Licensed persons not to share profits with nor entrust management of house to unlicensed or unauthorised person.
- 125. Penalty on master of vessel not forwarding certificate or fee.
- 126. Liquors to be sold according to standard measures.
- 127. Penalty on holder of wine licence selling liquids containing over 35 per cent. of spirit.
- 128. Adulterated liquor not to be sold.
- 129. Closing of houses against riot.
- 130. Penalty for evasion of provisions disallowing consumption of liquor on premises under certain classes of licences.
- 131. Persons drinking in the house or store of persons holding certain licences, or of vigneron, liable to penalty, and may be apprehended.
- 132. Penalty for selling liquor otherwise than as authorised by licence.

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133. Penalty on master or commander of vessel for retailing without licence.
134. Penalty for retailing less than five imperial gallons without a licence.
135. Attempt to evade last section.
136. Justices may determine what is retailing.
137. Mead, wine, cider, or perry not to be carried about for sale, except by vigneron or orchardist.
138. Liquor carried about or exposed for sale may be seized.
139. Penalty for keeping billiard-tables, except under the authority of a licence.
140. Spirituous or fermented liquors not to be brought on board His Majesty's ships without the commander's consent.

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142. Liquor not to be supplied to be drunk by person under 18 nor to be supplied to person under 16 years of age.  
Presumption in case of supply.  
Defence of apparent age.
143. Penalty on sending child for liquor.
144. Person under 16 not allowed in bar-room.
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146. Penalty for supplying liquor to police on duty.
147. Order may be obtained forbidding supply of liquor to drunkards.
148. Warning against supplying liquor.

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149. Females not to be employed in sale of liquor unless registered barmaids.
150. Register of barmaids.
151. Register to be kept by clerk of bench.
152. Fraud, &c., in connection with registration.
153. Unregistered person acting as barmaid.
154. Female not to be employed in bar-room after 11 p.m.

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Evidence of supply during prohibited times.
156. Closed on Sundays.
157. As to *bona fide* travellers.
158. Definition of *bona fide* traveller.
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160. Evasion of exemption in favor of travellers.
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197. Where number of licences becomes less after poll taken.
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206. Relief of tenant if licence not renewed.
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- 212. Licences to be produced on hearing of charges against licensees.
- 213. Proceedings to be heard and determined under Ordinance No. 6 of 1850. Enforcing penalties.
- 214. Service of process, notices, and documents. Notice of objection may be delivered by post.
- 215. When information to be laid.
- 216. Power to amend.
- 217. Prosecution and punishment of aiders and abettors in the commission of offences.
- 218. Notices appearing in *Gazette* to be *prima facie* evidence.
- 219. In proceedings for selling illegally, the defendant to be deemed unlicensed unless satisfactory proof to the contrary.
- 220. In proceedings person deemed to be licensed unless satisfactory proof to contrary.
- 221. Unlicensed person exhibiting sign *prima facie* evidence of sale of liquor.
- 222. Evidence of sale or consumption of liquor.
- 223. Members of Police Force not accomplices.
- 224. Magistrates may act on evidence of accomplices without corroboration.
- 225. Special Magistrate or Justices may require attendance of any person to give evidence.
- 226. Accomplice not excused from giving evidence if given a certificate of immunity.
- 227. Application of licence moneys, penalties, fines, forfeitures, and fees.
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- 229. Local Court, upon hearing of appeal, may state special case.
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## SCHEDULE.

## SCHEDULES.

- A. Acts repealed.
- B. Forms of licences.
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- D. Certificate for a packet licence.
- E. Forms of application.
- F. Householder's certificate as to the applicant.
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- H. Notice for objections.
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- M. Forms of notice of application to remove to other premises.
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- O. Summons to witness.
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- Q. Certificate allowing other than licensed person to carry on business during licensee's temporary absence.
- R. Certificate to sell liquors in a certain place upon goldfields.
- S. Order forfeiting licence.
- T. Regulations for conducting the business of Licensing Benches.
- U. Notice of application for additional bar-room.
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- X. Regulations as to mode of taking a local option poll and appointing scrutineers.
- Y. Notice of non-renewal of licence.
- Z. Form of order for payment of money by Licensing Bench.





ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

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No. 970.

An Act to consolidate and amend the Laws relating to the Supplying of Intoxicating Liquors and the Exercise of Local Option with regard thereto, and the Licensing of Billiard and Bagatelle Tables, and for other purposes.

*[Assented to, December 23rd, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited for all purposes as "The Licensing Act, 1908." Short title.

2. This Act is divided into parts and divisions relating to the following subject matters, as follows :— Division of Act.

PART I.—Preliminary.

PART II.—Licensing Districts and Benches and Meetings.

PART III.—Classes of Licences, and how Granted, Renewed, Transferred, Transmitted, Removed, and Forfeited—

DIVISION I.—Licence Required for Sale of Liquor :

DIVISION II.—Classes of Licences and Fees :

DIVISION III.—Applications for Licences, Memorials, and Objections :

*The Licensing Act.—1908.*PART I.

DIVISION IV.—Transfer of Licences:

DIVISION V.—Transmission of Licences:

DIVISION VI.—Removal of Licences:

DIVISION VII.—Procedure on Hearing of Applications:

DIVISION VIII.—Special Authorities to Sell Liquor:

DIVISION IX.—Forfeiture of Licences:

DIVISION X.—General:

DIVISION XI.—Clubs:

DIVISION XII.—Licences at Renmark.

PART IV.—Rights, Duties, and Liabilities of Licensees and Others.

PART V.—Limitation of Number of Licences—

DIVISION I.—Local Option Polls:

DIVISION II.—The Enforcing of the First Resolution:

DIVISION III.—Effect of Other Resolutions:

DIVISION IV.—General.

PART VI.—Legal Proceedings and Evidence.

PART VII.—Regulations and Forms.

Repeal.

Act 191, 1880.

Exception.

**3.** The several Acts mentioned in the Schedule A hereto are hereby repealed, except as to any matter or thing lawfully done or commenced to be done under the said Acts, or any of them: Provided that all offences against the said Acts, or any of them, committed before the passing of this Act, shall be punishable in the same manner as if this Act had not been passed, and all licences and certificates issued or granted, things done, notices given, and proceedings had, under the authority or by virtue of any of the said Acts, and not expired at the time of the passing of this Act, shall confer and involve the same rights, privileges, liabilities, and effects as if this Act had been in force when they were granted, issued, done, given, or had, and as if they were granted, issued, done, given, or had under the authority or by virtue of this Act; and all Licensing Districts, Local Option Districts, Licensing Benches, clerks to Licensing Benches, and inspectors constituted or appointed, and chairmen of Licensing Benches elected under the authority of any of the said Acts shall, subject to anything which is lawfully done under this Act, continue notwithstanding the passing of this Act.

Interpretation clause.  
Ibid, s. 4, with  
additions.

**4.** In this Act, except where the subject matter or context, or other provisions of this Act, require a different construction, the following terms, in inverted commas, have the respective meanings hereinafter assigned to them, that is to say—

“Bar-room” means any room in which liquor is kept and in or from which liquor is directly supplied to customers:

“Bench”

*The Licensing Act.—1908.*

## PART I.

- “Bench” means the Licensing Bench of Justices for the Licensing District in which any licensed premises, or any premises in respect of which any application for a licence is or is about to be made, are situate, or to which any application in respect of such premises is by this Act directed to be made:
- “District” means Licensing District:
- “Elector” means a person who is registered as an elector on a House of Assembly electoral roll:
- “Electoral District” means an Electoral District for the election of members or a member to serve in the House of Assembly:
- “Gazette” means *The South Australian Government Gazette*:
- “General election” means a parliamentary general election for the return of members pursuant to writs issued upon the dissolution or expiry of the House of Assembly:
- “Immediate neighborhood” means within a radius of two hundred yards from the front door of the house in respect of which application is made for a licence, or from the front door as shown on the deposited plan of a proposed house in respect of which such application is made, if such house or proposed house is or is proposed to be situate within a town, as hereinafter defined; or if not situate or proposed to be situate within a town as so defined, then within a radius of one mile from the front door of such house or proposed house:
- “Inspector” means an inspector of licensed premises appointed under this Act:
- “Justice” means Justice of the Peace for the said State:
- “Liquor” means brandy, gin, rum, whisky, cordials containing spirits, wine, cider, perry, mead, ale, porter, beer, or any other spirituous, malt, vinous, or fermented liquors:
- “Mead,” means mead made from honey the produce of the said State, and “wine,” “cider,” and “perry” mean wine, cider, and perry made from fruit grown in the said State, such mead, wine, cider, or perry not containing a greater proportion than thirty-five per centum of proof spirit:
- “Minister” means the Attorney-General for the time being of the said State:
- “Owner of licensed premises” includes a *cestui que* trust, and means the person for the time being receiving or entitled to receive the rents of such premises, whether on his own account or as agent, trustee, or attorney for any other person:
- “Previously unlicensed premises” or “premises previously unlicensed” means premises not at the time licensed:

“Sale”

*The Licensing Act.—1908.***PART I.**

“Sale” includes sale, barter, exchange, and retailing.

“Sell” includes sell, barter, exchange, and retail:

Act 191, 1880, s. 4.

“Town” means any city or corporate town within the said State, or any town, township, or village within the said State containing not less than forty dwelling-houses within a radius of one mile from some point in such town, township, or village, or any place proclaimed as a town for the purposes of this Act by the Governor:

“Treasurer” means the Treasurer for the time being of the said State.

**PART II.****PART II.****LICENSING DISTRICTS AND BENCHES AND MEETINGS.**

Licensing Districts may be proclaimed.

Ibid, s. 22.

Bench appointed.

And meetings fixed.

5. The Governor may, by Order published in the *Gazette* from time to time, declare that any area in such Order defined shall constitute a Licensing District, and may from time to time alter and vary the boundaries of or altogether abolish any district continued or constituted by or under this Act, and in such Order shall be mentioned the day from which such Order shall take effect; and it shall also be lawful for the Governor from time to time, by Order published in the *Gazette*, to nominate and appoint a Bench for any district, consisting of not less than four nor more than nine Justices, three of whom shall form a quorum, and from time to time to remove any one or more of such Justices, and to fill any vacancy or vacancies in any such Bench, and to fix the days for the annual and quarterly meetings of such Benches, and from time to time appoint and remove a clerk to each Bench.

Date of meeting may be altered in certain cases.

Act 540, 1891, s. 38.

6. Where the day fixed for the annual or a quarterly meeting of any such Bench falls upon a public holiday it shall be lawful for the Attorney-General, by notice in the *Gazette*, to alter the day for holding such meeting to a day to be named in such notice.

Adjournment of Bench when no quorum.

Ibid, s. 39.

7. Whenever, by reason of the absence of any members of the Licensing Bench, a quorum cannot be formed at any annual, quarterly, or other meeting of the Bench the Justices present, or if no Justice is present, then the clerk of the Licensing Bench, shall adjourn the meeting of the said Bench to a day, within a period of fourteen days, and the said clerk shall enter in the minute-book of the Bench a memorandum of such adjournment and the cause thereof, and forward a copy of such memorandum forthwith to the Attorney-General.

Bench to appoint Chairman.

Act 191, 1880, s. 23.

8. Every Bench shall, at its annual meeting, elect a chairman, who shall hold office until the next annual meeting, and in case of

*The Licensing Act.—1908.*

## PART II.

of any vacancy by death, resignation, or disqualification, or in the case of the absence of the chairman from any meeting or part thereof, the Bench shall elect another chairman in the stead of the former chairman, either for the special occasion or until the next annual meeting, as the case may require.

9. No Justice who is a brewer, maltster, distiller, wine maker, or licensed dealer in liquor, or in partnership with any such person or persons, or directly or indirectly interested as owner or part owner or manager of any house licensed or as to which application for a licence has been made, shall be a member of any Bench, or adjudicate on the hearing of any information, complaint, appeal, or matter under this Act.

Disqualification of certain Justices from being members of Bench.

Ibid, s. 24.

10. (1) Annual meetings of the Benches shall be held respectively at such places as are from time to time appointed by the Governor for that purpose, on the second Tuesday in March in every year (unless otherwise fixed as hereinbefore mentioned) for the consideration of applications for all licences other than packet licences, which meetings may respectively be adjourned for any time that may appear to be necessary; but no decision as to granting licences shall be given on any other day than the day of meeting, or on a day to which such meeting has been adjourned, and when the Bench is assembled for the consideration of applications as aforesaid.

Annual meetings to be held on the second Tuesday in March in every year unless otherwise directed.

Ibid, s. 27.

(2) Quarterly meetings of the Benches shall also be held at such places as aforesaid on the second Tuesday in the months of June, September, and December in every year, unless other periods have been fixed, as hereinbefore mentioned, for the consideration of such applications as aforesaid, and of applications for permission to transfer or remove any existing licences, other than packet licences, and of applications for the issue of licences for new premises, which meetings may be adjourned as the Benches find necessary: Provided that no such Bench so assembled at such quarterly meeting shall have power or authority to receive or consider any application by any person whose application has been rejected at the preceding annual meeting, or, on personal grounds, at any preceding quarterly meeting, or to grant any licence under this Act to any person or premises in respect of which a licence has been refused at such annual or preceding quarterly meeting, on the ground that such premises are not required for the accommodation of the public, except when the Bench assembled at such annual or preceding quarterly meeting has given permission to the applicant to renew his application, or to prefer a new application, in respect of new or other premises at such quarterly meeting.

Quarterly meetings to be also held for consideration of applications for transfers, removals, and new licences.

(3) Every adjourned meeting shall be deemed to be a continuation of the annual meeting or quarterly meeting (as the case may be).

Adjourned meetings.

(4) Special meetings of a Bench may, upon the requisition of any three members of the Bench addressed to the clerk of such Bench, be held at any time and place for the purpose of considering and determining

Special meetings for forfeiture of licences.

*The Licensing Act.—1908.***PART II.**

determining informations for forfeiture of licences under the provisions of this Act.

Travelling expenses.

(5) Each member of the Bench shall be entitled to travelling expenses.

**PART III.****PART III.**

**CLASSES OF LICENCES, AND HOW GRANTED, RENEWED, TRANSFERRED, TRANSMITTED, REMOVED, AND FORFEITED.**

**DIVISION I.****DIVISION I.—LICENCE REQUIRED FOR SALE OF LIQUOR.**

No liquor to be sold in quantities of less than five gallons, or billiard or bagatelle table to be kept, without a licence.

*Ibid*, s. 5.

**11.** Subject to the provisions of sections 13 and 14 of this Act, no person shall directly or indirectly sell, or permit to be sold within the said State, less than five imperial gallons of liquor, or mead, wine, cider, or perry, nor shall any person keep or maintain any billiard, bagatelle, or billiard-bagatelle table for hire, or as a means of gain or profit, without being licensed so to do under this Act.

Who disqualified from holding licences.

*Ibid*, s. 5.

**12.** No person in any office or situation under or in the employ of the Government of the said State, or of the Commonwealth of Australia, and no member of the Police Force or inspector, and no sheriff's officer or other person employed to execute any legal process, and no licensed auctioneer shall be licensed under this Act.

Exceptions to application of Act.

*Ibid*, s. 6.

**13.** (1) The provisions of this Act relating to the sale of liquor shall not apply to the sale of ginger beer, or of spruce beer; nor to the sale of spirituous or distilled perfume, *bonâ fide* as perfumery; nor to the prescription or administration of any liquor simply as medicine, or for medicinal purposes, by or under the direction of any known or practising physician, surgeon, or pharmaceutical chemist, within the meaning of "The Pharmacy Act of 1891" or any Act amending or substituted therefor; nor shall any licence under this Act be required for the sale by any person the occupier of a vineyard or orchard, and the delivery after sale, by himself or his servants, in quantities of not less than two imperial gallons of mead, wine, cider, or perry manufactured by such person from honey or fruit produced or grown in the said State: Provided that such mead, wine, cider, or perry is not sold or delivered to any person in a state of intoxication, or to whom it is by this Act made unlawful to sell or supply liquor, and is not consumed on any premises in the possession or occupation of such occupier or his servants, and is not sold or delivered during any day or time during which the sale of liquor is prohibited; nor shall any licence be required by the master or commander of any steamer or other vessel for the supply of any allowance of liquor to the crew of such steamer or vessel.

Limitation of application of Act.

*Ibid*, sec. 7 (part).

(2) This Act shall not apply—

- i. To the sale or supply of liquor in the Parliamentary refreshment rooms by the permission and under the control of the proper authority; or
- ii. To

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11. To the sale or supply of liquor to any member of the Defence Forces in any canteen established under a permit issued by the proper authority.

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14. The provisions of this Act shall not affect the provisions of "The Railway Refreshment-rooms Act, 1887," which shall continue in force with the following modifications:—

Modification of Railway Refreshment-rooms Act, 398 of 1887.

- (a) Section 8 of the said Act shall be read as follows:—

8. Every person holding a licence under this Act shall, for the purposes of sections 114, 115, 117, 118, 123, 127, 142, 144, 145, 146, 147, 148, 149, and 175 of "The Licensing Act, 1908," be deemed to be a person holding a licence under that Act, and the refreshment-rooms for which he holds a licence under this Act shall for such purposes be deemed to be licensed premises under that Act; and every conviction for any offence against any of the above-mentioned sections, or against section 128, 141, 171, or 173 of the said Acts shall be deemed to be a conviction for an offence against this Act also.

- (b) No licence shall be granted or issued pursuant to the said Act for a longer period than twelve calendar months from the day of the issue thereof, or shall continue in force for any longer period.

- (c) Section 12 of the said Act shall be read as if there were added at the end and as part of the said section the following words:—

nor, except to *bona fide* travellers as defined by section 158 of "The Licensing Act, 1908," during any day or time during which the sale of liquor is prohibited by law.

- (d) The provisions of sections 160, 161, 163, 164, 165, 167, and 168 of this Act shall apply to any person licensed under "The Railway Refreshment-rooms Act, 1887," to the refreshment-rooms for which he is licensed, to the sale or supply of liquor therein, to the purchase or obtaining, or attempt to purchase or obtain, or drinking of liquor therein and to the presence of any person therein; and proceedings may be taken under this Act for any contravention of such last mentioned sections as if such refreshment-rooms were premises for which a licence was granted under this Act, and as if the licensee in respect of such refreshment-rooms were the holder of a licence under this Act. A conviction in such proceedings shall be deemed to be a conviction for an offence against "The Railway Refreshment-rooms Act, 1887," as well as against this Act.

DIVISION

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Nature of licences.  
Ibid, s. 7.  
Adapted.

## DIVISION II.—CLASSES OF LICENCES AND FEES.

**15.** The licences to be granted by virtue of this Act shall be of nine classes, that is to say, one to be denominated a "Publican's Licence," which shall be in the form No. 1 of Schedule B to this Act; another to be denominated a "Storekeeper's Licence," which shall be in the form No. 2 of the said schedule; another to be denominated a "Wine Licence," which shall be in the form No. 3 of the said schedule; another to be denominated a "Storekeeper's Australian Wine Licence," which shall be in the form No. 4 of the said schedule; another to be denominated a "Packet Licence," which shall be in the form No. 5 of the said schedule; another to be denominated a "Registration of a Club," which shall be in the form No. 6 of the said schedule; another to be denominated a "Brewer's Colonial Ale Licence," which shall be in the form No. 7 of the said schedule; another to be denominated a "Distiller's Storekeeper's Licence," which shall be in the form No. 8 of the said schedule; and another to be denominated a "Billiard-table Licence," which shall be in the form No. 9 of the said schedule.

Publican's licence.  
Ibid, s. 8.

**16.** (1) Every publican's licence shall authorise the person thereby licensed to sell and dispose of any liquor, in any quantity, in the house or on the premises therein specified, in the manner hereinafter mentioned.

Annual fee for publican's licence.  
Act 540, 1891, s. 6.

(2) The annual fee to be paid for a publican's licence shall be as follows:—If the house or premises described in the licence are situate within the limits of a Municipal Corporation or District Council, and the same are assessed by such Corporation or District Council for rating purposes at an annual value of not exceeding the amount mentioned in the first column of this section, the annual fee for such licence shall be the amount specified in the second column opposite to the annual value mentioned in such first column.

First Column. Annual Value.	Second Column. Licence Fee.
£100 .....	£15
£200 .....	£20
£300 .....	£30
£400 .....	£35
Over £400 .....	£40

If the house or premises are not situated within the limits of any such Corporation or Council, the annual fee for such licence shall be Fifteen Pounds.

Storekeeper's licence  
Act 191, 1860, s. 10

**17.** (1) Every storekeeper's licence shall authorise the person thereby licensed to sell and dispose of liquor in the house, or on the premises therein specified, in quantities of not less than one gallon of one kind of spirits, or one dozen reputed quart bottles, or two dozen reputed pint bottles of wine or other fermented liquor, to be taken away at one time by one person, and not to be drunk in or about the house, or on the premises in which such liquor is sold.

Annual fee for storekeeper's licence.  
Ibid, s. 11.

(2) The annual fee to be paid for a storekeeper's licence shall be Ten Pounds.

**18.** (1) Every



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**18.** (1) Every wine licence shall authorise the persons thereby licensed to sell in the house or shop, or on the premises therein specified, mead, wine, cider, or perry in any quantity, for consumption on the premises or otherwise.

Wine licence.  
Ibid, s. 12.

(2) The annual fee for a wine licence shall be Ten Pounds.

Annual fee for wine licence.  
Ibid, s. 13.

**19.** (1) Every storekeeper's Australian wine licence shall authorise the person thereby licensed to sell on the premises therein specified mead, wine, cider, or perry, in quantities of not less than one reputed quart bottle, to be taken away at one time by one person, and not to be drunk on the premises in which such liquor is sold.

Storekeeper's Australian wine licence.  
Ibid, s. 14.

(2) The annual fee for a storekeeper's Australian wine licence shall be Five Pounds.

Annual fee for storekeeper's Australian wine licence.  
Ibid, s. 15.

**20.** No person holding a storekeeper's or a storekeeper's Australian wine licence shall, whilst continuing to hold the same, be capable of holding a wine licence, and if any wine licence is at any time granted and issued to any person holding a storekeeper's or a storekeeper's Australian wine licence, such wine licence shall be void and of no effect.

Licensee under storekeeper's or storekeeper's Australian wine licence not to hold wine licence.

**21.** (1) Every packet licence shall authorise the master or commander of any steamer or other vessel thereby licensed to sell and dispose of liquor in any quantity to any passenger on board such steamer or vessel during any voyage or passage, but not, in the case of a steamer or vessel plying only from port to port within the said State, whilst such steamer or vessel is at her berth or moorings nor until she has proceeded on her voyage or passage.

Packet licence.  
Ibid, s. 16, altered.

(2) The annual fee for a packet licence shall be Ten Pounds.

Annual fee for packet licence.  
Act 191, 1880, s. 17.  
Registration of club.

**22.** The effect of a registration of a club and the annual fee payable therefor shall be as provided in Division XI. of this Part.

**23.** (1) Every brewer's colonial ale licence shall authorise the brewer thereby licensed to sell and dispose of liquor on the premises therein specified in quantities of not less than two gallons of one kind of spirits or one dozen reputed quart bottles, or two dozen reputed pint bottles, of wine or other fermented liquor, to be taken away at one time by one person, and not to be drunk in or about the house or premises in which such liquor is sold. Such licence shall be granted only to a brewer of ale, stout, or other fermented liquor.

Brewer's colonial ale licence.  
Act 773, 1901, s. 4.

Ibid, s. 2.

(2) The annual fee for a brewer's colonial ale licence shall be Ten Pounds.

Annual fee therefor.

(3) No person while holding a brewer's colonial ale licence shall be capable of holding a storekeeper's licence or a wine licence. Any grant of either of such last-mentioned licences to a person holding a brewer's colonial ale licence shall be void and of no effect.

Holder of such licence not to hold wine licence or storekeeper's licence.  
Ibid, s. 5.

(4) All

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Provisions applicable  
to brewer's colonial  
ale licences.

(4) All the provisions of this Act relating to a storekeeper's licence shall apply to a brewer's colonial ale licence, except where inconsistent with or inapplicable to such licence.

*Ibid*, s. 6.

Distiller's store-  
keeper's licence.

**24.** (1) Every distiller's storekeeper's licence shall authorise the distiller thereby licensed to sell and dispose of liquor on the premises therein specified, in quantities of not less at one time than two gallons of one kind of spirits, or one dozen reputed quart bottles, or two dozen reputed pint bottles of wine or other fermented liquor to be taken away at one time by one person, and not to be drunk in or about the house or premises in which such liquor is sold. Such licence shall be granted only to a person holding a distillation licence under any statutory enactment in force in the Commonwealth of Australia.

Act 784, 1902, s. 3.

*Ibid*, s. 2.

Annual fee therefor.

(2) The annual fee for a distiller's storekeeper's licence shall be Ten Pounds.

Holder of distiller's  
licence not to hold  
storekeeper's or wine  
licence.

(3) No person, while holding a distiller's storekeeper's licence, shall hold a storekeeper's licence or wine licence. Any grant of either of such last-mentioned licences to a person holding a distiller's storekeeper's licence shall be void and of no effect.

*Ibid*, s. 5.

Provisions applicable  
to distiller's store-  
keeper's licences.

(4) All the provisions of this Act relating to a storekeeper's licence shall apply to a distiller's storekeeper's licence, except where inconsistent with or inapplicable to such licence.

*Ibid*, s. 6.

Billiard-table licence.

**25.** (1) Every billiard-table licence shall authorise the person thereby licensed to keep, set up, and maintain, on the premises described in such licence, billiard, bagatelle, and billiard-bagatelle tables, or any of them, and to allow such tables to be used only between the hours of eight in the morning and eleven at night, but not at any time on any Sunday, Christmas Day, or Good Friday.

Act 191, 1880, s. 18.

Annual fee for  
billiard-table licence.

(2) The annual fee for a billiard-table licence shall be Five Pounds; but every holder of a publican's licence or club licence shall be entitled to a billiard licence in respect of his licensed premises without the payment of any fee.

*Ibid*, s. 19.

Act 540, 1891, s. 25.

Increase of fees con-  
sequent upon local  
option reduction.

**26.** Notwithstanding anything in this Act contained, after any reduction of the number of licences of any class in a Local Option District in pursuance of a resolution adopted at any local option poll taken in such district, the annual fee to be paid for a licence of such class in respect of premises situated in such district shall be increased in accordance with the scale set forth in Schedule C to this Act.

New.

Fees to be paid to  
Treasurer.

**27.** The fees for all licences, certificates, and permits under this Act shall be paid to the Treasurer.

Act 540, 1891, s. 10.

**28.** Every

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**28.** Every licence, other than a packet licence, shall, without regard to the date thereof, commence and take effect from the day on which the same is actually issued by the Treasurer, as in this Act mentioned, and, if not previously forfeited, shall be in force until and including the twenty-fifth day of March in the year next following the date of the licence, but no longer, and every packet licence shall, if not previously forfeited, be in force for twelve months from the date of its issue.

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Licences to take effect from date of issue.

*Ibid*, s. 20.

**29.** In the case of any licence being issued for a period of less than one year, a proportionate amount only of the licence fee shall be payable by the licensee.

Licences for part of the year.

Act 191, 1880, s. 21.

DIVISION III.—APPLICATIONS FOR LICENCES, MEMORIALS, AND  
OBJECTIONS.

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**30.** Applications for all licences, except packet licences, or for any licence, except a packet licence, being transferred or removed, shall be made to and considered by the Bench for the district in which the premises licensed or proposed to be licensed are situated: Provided that in case any such premises are situated beyond the proclaimed districts, or within a district in which there is not any duly constituted Bench, then the application shall be made to the Bench nearest to the locality in which such premises are situated.

Application for licences, other than packet licences, to be made to Bench.

*Ibid*, s. 25.

**31.** Packet licences shall be issued by the Treasurer to the master or commander of any steamer or other vessel making passages and conveying passengers from any place within the State or its dependencies to any other place, upon payment of the licence fee hereinbefore mentioned, and upon receiving the certificate of a Special Magistrate or two Justices, in the form in Schedule D hereto.

Packet licence to be granted by Treasurer.

*Ibid*, s. 26.

**32.** (1) Every person desirous of procuring a publican's or wine licence under this Act, in respect of premises which have not been previously licensed, shall, at the meeting of the Bench immediately previous to the meeting at which application for a licence is to be made, deposit with the clerk of such Bench plans of the buildings erected or proposed to be erected on such premises, and showing exactly the site of such premises, the boundaries thereof, and the situation thereon of the front door of such buildings, and indicating in words which is or is to be the front door. Such plans shall be upon paper of the width of twenty-four inches, and shall be certified as correct by such person and by an architect or surveyor, and shall be open to public inspection without fee.

Application for publican's or wine licence for new premises to be commenced by deposit of plans and notice.

*Ibid*, s. 28, altered.

(2) Such person shall, within fourteen days, of the deposit of such plans, cause notice of such deposit to be given by two advertisements in each of two daily and two weekly newspapers published in the said State; and shall also during the whole of the interval between such deposit and the next meeting of the Bench post and keep

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keep posted on the outer door of the premises in respect of which the application is intended to be made, or, in case the said premises have not been erected or completed, upon a notice board placed on a conspicuous part of the land upon which it is intended to erect or complete such premises, a notice in such of the forms contained in Schedule E hereto as is applicable; and shall also, at the time of depositing such plans, deliver to the clerk of the Bench a duplicate of such notice, accompanied by a certificate in the form of Schedule F hereto, of at least three known householders residing within a radius of one mile of the said premises, or intended premises, and such clerk shall forthwith cause notice of the deposit of such plans to be inserted in two consecutive numbers of the *Gazette*. The cost of so inserting such notice shall be paid by the applicant.

Bench to grant or refuse licence, or to decide whether licence will be granted to premises erected in accordance with plans.

*Ibid.*, s. 29.

**33.** Every such person, having complied with the requirements of the next preceding section, may, at the annual or quarterly meeting of the Bench held next after the deposit of such plans, apply to such Bench for a licence in respect of the premises specified in such plans, and the Bench shall thereupon, if the premises have already been erected and completed, grant or refuse the application; and if such premises have not then been erected or completed, the Bench shall decide whether a licence will be granted to such premises when erected or completed in accordance with such deposited plans to the satisfaction of and within a reasonable time to be fixed by such Bench; and if any application is rejected upon the ground that the plans so deposited do not meet with the approval of the Bench, or that the premises erected or proposed to be erected are not, or would not, in their opinion, be suitable to the locality, they shall, upon the request of the applicant or his counsel, state in what particulars the plans do not meet with their approval, or the buildings or proposed buildings are unsuitable. When the Bench have decided at any meeting that a licence will be granted to any premises not then erected or completed such premises, upon being erected or completed in accordance with the deposited plans within the time fixed by the Bench, shall, for the purpose of regulating the mode of application for a licence thereto, be deemed to be previously licensed premises.

Application for other licences.

*Ibid.*, s. 34 (portion).

Act 666, 1896, s. 46, altered.

**34.** Every person applying for a licence, other than a publican's, wine, club, or packet licence, in respect of any premises which have not been previously so licensed, shall, not less than twenty-eight days next before the meeting of the Bench at which the application is to be made, post, and during the whole of the interval, keep posted a notice, in such of the forms contained in Schedule E hereto as is applicable, on the outer door of the premises, or on a notice board on a conspicuous part of such premises, if the house or store has not been erected or completed; and shall, at least twenty-eight days before such meeting, deliver to the Clerk of the Bench a duplicate of such notice, accompanied by a certificate in the form of Schedule F hereto, of at least three known householders residing within a radius of one mile of the premises.

**35.** No

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**35.** No licence under this Act, other than a billiard or packet licence, in respect of previously unlicensed premises, shall be granted if a memorial, in the form of Schedule G hereto, or to the like effect, against the granting of the same, signed by at least two-thirds of the electors resident in the immediate neighborhood of such premises, is presented to the Bench at the meeting at which the application for such licence is made. The genuineness of the signatures to such memorial shall be verified on oath before such Bench. No memorial shall be received unless it is signed by twenty qualified persons at the least: Provided always that if there are less than thirty persons qualified to sign such a memorial as aforesaid residing in the immediate neighborhood (the onus of proof whereof shall lie on the person or persons objecting to the grant of the licence), the "immediate neighborhood" shall, for the purposes of such memorial and all proceedings connected therewith, mean within a radius of one mile from the front door, or proposed front door, of such premises.

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Memorial against new licence.

Act 191, 1880, s. 30.

Act 666, 1896, ss. 22, 57, altered.

**36.** Every such memorial against the granting of a licence, with a copy thereof for service on the applicant, shall be lodged with the clerk of the Bench within sixty days after the time when the applicant has deposited with the said clerk plans of any building which it is proposed to erect, or in respect of which it is intended to apply for a licence, if the licence for which it is intended to apply is a publican's or wine licence; or within fourteen days after such time if the licence for which it is intended to apply is a licence other than a publican's or wine licence; and such clerk shall forthwith cause such copy memorial to be forwarded by post to the applicant.

Memorial and copy for service to be lodged.

Act 191, 1880, s. 31, altered.

**37.** Any person applying for a licence, or notifying his intention to oppose the granting of a licence, shall, on application to the Returning Officer of the Electoral District for the House of Assembly, or to the Returning Officers of the Electoral Districts (if more than one), in which the immediate neighborhood of the premises in respect of which he intends to apply for or oppose the granting of a licence is situate (or to other the officer or officers under any Act for the time being in force whose duty it is to keep the Electoral Roll for such District or Districts), and on payment to each such Returning Officer (or other officer as aforesaid) of the sum of Ten Shillings and Six Pence, and a further sum of Three Pence for each folio of seventy-two words of the lists herein mentioned, be furnished by such Returning Officer (or other officer or officers as aforesaid) with a list of the electors residing within the said immediate neighborhood, or so much thereof as lies within his Electoral District (or within the District for which he keeps the Electoral Roll, as the case may be), certified under the hand of such Returning Officer (or other officer as aforesaid) to be a true list of such resident electors; and such certified list or lists (if more than one) shall be *prima facie* evidence of the number and names of the electors residing within the immediate neighborhood and qualified to sign such memorial as aforesaid.

Certified list of electors to be evidence.

Ibid, s. 32, adapted.

**38. A**

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Where licence refused by reason of memorial, no licence to be subsequently issued except on memorial by majority of electors.

*Ibid.*, s. 33, adapted.

**38.** A licence having been refused by reason of a memorial having been presented in terms of this Act against the granting of a licence or licences, it shall not be lawful for the Bench, at any sitting within two years after such refusal, to entertain an application from any person or persons in respect of the premises for which a licence has been refused, nor after that period unless a memorial has been presented in favor of granting a licence or licences, signed by at least two-thirds of the electors resident in the immediate neighborhood (within the meaning of section 35 of this Act) of such premises, and the genuineness of the signatures is verified, as provided for in case of a memorial under section 35 of this Act.

Manner of application by new applicant for licence in respect of previously licensed premises.

*Ibid.*, s. 34 (portion).

**39.** Any unlicensed person desirous of procuring any licence other than a club or packet licence, in respect of previously licensed premises, shall, twenty-eight days at least before the date of the meeting at which he intends to apply for such licence, post on the outer door of the premises, and keep posted there until such meeting, a conspicuous notice in such of the forms contained in Schedule E hereto as is applicable, and shall deliver to the clerk of the Bench a duplicate of such notice, accompanied by a certificate, in the form of Schedule F hereto, of at least three known householders residing within a radius of a mile of such premises.

Untrue certificate.

Act 191, 1880, s. 34 (portion).

**40.** Any householder who gives a certificate under section 32 or 39 which is untrue in any particular shall be liable to a penalty not exceeding Five Pounds.

Manner of application for renewal of any licence.

*Ibid.*, s. 35 (portion).

Act 666, 1896, s. 12.

**41.** Any licensed person, other than the holder of a packet licence, desirous of procuring a renewal of his licence under this Act shall, twenty-eight days at least before the annual meeting of the Bench, deliver to the clerk of the Bench a notice in such of the forms in Schedule E hereto as is applicable.

Notice of application to Commissioner of Police and Inspector.

*Ibid.*, s. 36.

**42.** Upon the receipt of any notice of application, the clerk of the Bench shall file the same, and shall forthwith cause notice of such application and the particulars thereof to be forwarded to the Commissioner of Police, and to the Inspector for the Licensing District.

Notice to be given of time for making objections.

*Ibid.*, s. 37, altered.

**43.** The Clerk of the Adelaide Bench shall give notice by advertisement in the *Gazette* published not less than five weeks before the annual meetings of Benches, requiring all persons having any complaint against the management or condition of any licensed premises, or the licensee thereof as such licensee, to forward such complaint to the clerk of the Bench for the district in which such premises are situated at least fourteen days before the annual meeting, and to attend at such annual meeting to substantiate such complaint. Such notice may be in the form of Schedule H hereto.

Form of notice.  
New.

Proceedings on consideration of application to be public.

*Ibid.*, s. 38.

**44.** The proceedings on the consideration of any application or any objection to an application for any licence under this Act, and also

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also of every application or objection to any application to renew, transfer, or remove any such licence, shall be public; and the Bench assembled at their annual or quarterly meetings, or at any adjournment thereof, shall hear, inquire into, and determine all such applications, and also all objections which are made to any such applications, and hear on oath such witnesses as are called, and, subject to this Act, may grant such licences to such persons as are approved by such Bench; and may direct the holder of a licence to supply additional accommodation at his premises, or make repairs therein, in such manner and within such reasonable time as they deem fit.

**45.** Subject to section 61 hereof, and without diminishing the effect of section 59, no person, having given the notice by this Act prescribed, shall be required to attend the Bench for the purpose of procuring a renewal or transfer of his licence, or of a licence, unless notice of objection to the application, stating the grounds thereof, has been given to the clerk of the Bench in duplicate. Upon receipt of such notice of objection the clerk shall forthwith forward one part thereof, by post, to the applicant.

Personal attendance for renewal or transfer of licence not requisite unless notice of objection given.  
Ibid, s. 39, adapted.

**46.** No person shall be heard, either personally or by counsel, in support of any objection to the grant, renewal, transfer, or removal of a licence before any Bench assembled at any annual or quarterly meeting, or at any adjournment thereof, unless notice in writing of such objection, stating the nature and grounds thereof, signed by the objector, and giving his place of residence and occupation or style, has been delivered to the clerk of the Bench to which the application is intended to be made and to the person who has given the notice of application prescribed by this Act at least fourteen clear days before the day on which such application is to be heard.

Notice of objection to be served.  
Ibid, s. 40.

**47.** The objections to the grant or renewal of a licence of which notice may be given are the following:—

Objections to licences and renewals.  
Ac 640, 1891, s. 8  
Act 666, 1896, s.  
Altered.

**1.—Publicans' Licences.**

- (a) As to all applications—That the applicant is of bad fame or character; that he is interested in keeping a brothel or house of ill fame; that he is of drunken or dissolute habits, or is not a fit and proper person to be licensed; that he has within six months previously been deprived of a licence under this Act or any Act hereby repealed; that there is direct means of communication between any store, shop, office, or dwellinghouse and the premises mentioned in the application or the appurtenances thereof or any premises within the same enclosure as the premises mentioned in the application; that the said premises, or any adjacent store, shop, or house owned or occupied by the applicant (whether there is or is not any such means of communication between such adjacent store, shop, or house and the said premises) is of a disorderly character,  
or

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or frequented by prostitutes, thieves, or persons of bad character; that the licensing of the premises is not required for the accommodation of the public:

- (b) As to applications for premises not previously licensed—That such premises are in the vicinity of a church or other place of public worship, or a hospital, or school, and would, if licensed, be the cause of inconvenience or annoyance to the persons using or frequenting such church, place of worship, hospital, or school; that the quiet of the locality in which such premises are situated will be disturbed if a licence is granted for the sale of liquor in such premises (this objection shall not be entertained unless a petition against the granting of such licence for such premises has been presented to the Bench, signed by at least two-fifths of the electors residing in the immediate neighborhood of such premises); that, if such premises are situated in or within ten miles of the city of Adelaide, the same have not at least two moderate-sized sitting-rooms and two sleeping-rooms, properly ventilated and furnished, constantly ready and fit for the accommodation of members of the public, independent of the rooms occupied by the applicant and his family; or that the said premises have not decent and separate places of convenience for both males and females, or have not urinals on or near the premises for the use of the customers thereof, so as to prevent nuisances and offences against decency:
- (c) As to applications for renewal of licences or by new applicants for previously licensed premises—That the management of the licensed premises in such particulars as are specified in the notice has not been satisfactory; that any direction of the Bench as to additional accommodation has not been complied with:
- (d) As to applications for licences for premises not previously licensed, and for renewal of licences—That, if such premises are situated more than ten miles from the city of Adelaide, such premises have not at least one sitting-room and two sleeping-rooms properly ventilated and furnished, constantly ready and fit for the accommodation of travellers, and separated from any bar by a space of at least twelve feet, with a separate entrance; that such premises have not decent and separate places of convenience for both males and females, or have not urinals on or near to the premises for the use of the customers thereof, so as to prevent nuisances and offences against decency; that there is not a stable on the premises capable of containing at least four horses, with a sufficient quantity of hay and corn: Provided that want of stable accommodation shall not be an objection as to premises within the limits of a municipality whose population numbers two thousand or over.

II.—*Wine*



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DIVISION III.II.—*Wine Licences.*

- (a) As to all applications—That the applicant is of bad fame or character; that the applicant is interested in keeping a brothel or house of ill-fame; that he is of drunken or dissolute habits, or is not a fit and proper person to be licensed; that he has been within six months previously deprived of a licence under this Act or under any Act hereby repealed; that the licensing of the premises is not required for the accommodation of the public:
- (b) As to applications for renewal of licences, or by new applicants for previously licensed premises—That the management of the licensed premises in such particulars as are specified in the notice has not been satisfactory; that any direction of the Bench as to additional accommodation has not been complied with:
- (c) As to applications for licences for premises not previously licensed—That such premises are in the vicinity of a church, or other place of worship, or a hospital, or school, and would, if licensed, be the cause of inconvenience or annoyance to the persons using or frequenting such church, or place of worship, hospital, or school; that the quiet of the locality in which such premises are situated will be disturbed if a wine licence is granted for such premises (this objection shall not be entertained unless a petition against the granting of such licence for such premises is presented to the Bench, signed by at least two-fifths of the electors residing in the immediate neighborhood of such premises).

III.—*All Licences, except Publicans', Wine, and Packet Licences.*

- (a) As to all applications—That the applicant is of bad fame or character; that the applicant is interested in keeping a brothel or house of ill fame; that he is of drunken or dissolute habits, or is not a fit and proper person to be licensed; that he has been within six months previously deprived of a licence under this Act or any Act hereby repealed; that the licensing of the premises is not required for the accommodation of the public:
- (b) As to applications for renewal of licences—That the management of the licensed premises, in such particulars as are specified in the notice, has not been satisfactory.

**48.** The clerk of each Bench shall attend the meetings thereof, and minute the results of the proceedings, and whenever any Bench grants any licence the chairman of such Bench shall, at the time such licence is granted, notify the fact by writing under his hand, opposite to or against the name of the applicant, in a list of

Clerk of Bench to  
sign licences.

Act 191, 1880, s. 42.

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Treasurer or officer  
appointed by him to  
issue same.

of applications to be laid before him for that purpose by the clerk of the Bench, which notification shall be a valid authority to the clerk of such Bench for the signing of a licence to such applicant; and such clerk shall forthwith sign a licence in such of the forms contained in Schedule B hereto as is applicable, and shall, after registering the same in the said list of applications, with the day of signing the licence, forthwith hand the same to the Treasurer, or to some officer appointed by him, who shall attend every annual and quarterly meeting of the Bench, and such Treasurer or officer aforesaid shall, on receipt of the annual fee payable in respect of the licence granted, and of Two Shillings and Six Pence for each licence, issue and deliver such licence to the person in whose favor the same has been granted, or his agent, the Treasurer or officer aforesaid having first minuted at the foot of the licence the day on which the same was so issued by him.

Until fee paid, person  
entitled to licence  
deemed unlicensed.

If not paid within  
two months licence  
void.

Ibid, s. 44.

**49.** Until the sum payable for a licence is paid to the Treasurer, or such officer as mentioned in section 48 hereof, and the licence is actually issued by him, the person entitled to such licence shall be deemed unlicensed, and in case the sum is not paid within two calendar months after the date of the meeting at which the same was granted the grant thereof shall be wholly void, and the licence shall not be issued.

List of licences issued  
and notice of non-  
payment of fees to be  
published in *Gazette*.

Ibid, s. 45.

**50.** The Treasurer shall cause a list of all licences issued, and also notice of the non-payment of any licence fees as mentioned in the next preceding section, to be inserted in the *Gazette*, on the first, second, or third day of its publication after the issue of the licences, or after the expiration of the said period of two calendar months, as the case may be.

## DIVISION IV.

## DIVISION IV.—TRANSFER OF LICENCES.

Transfer of licences

Ibid, s. 46, altered.

**51.** If any person who holds a licence other than a club or packet licence, or has a certificate under section 54 hereof, or who has given notice to the clerk of the Bench of his entry, as required by such section, desires to have the licence transferred to any other person, or if any person who has such certificate, or has given such notice, desires to have the licence transferred to himself, he shall deliver to the clerk of the Bench, and also post on the outer door of the licensed premises, twenty-eight days before any quarterly meeting, a notice in the form of Schedule J hereto, or as near thereto as circumstances will permit, and shall also deliver to the clerk a certificate from three known householders residing within a radius of one mile of the licensed premises in favor of the intended transferee, which certificate may be in the form of Schedule F hereto; and such clerk shall forthwith cause a list of all applications for transfers to be advertised in two consecutive numbers of the *Gazette* issued previously to the date of the meeting of the Bench to which such application is to be made.

**52.** The

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**52.** The objections to a transfer, of which notice may be given, are the following—

That the licence of the person proposing to transfer the same is liable to be forfeited for offences against this Act, or any Act hereby repealed; that the person to whom it is proposed to have the licence transferred is of bad fame or character, or is interested in keeping a brothel or house of ill fame, or is of drunken or dissolute habits, or is not a fit and proper person to be licensed, or has within six months previously been deprived of a licence under this Act, or any Act hereby repealed, as being personally incapable or unfit to hold the same; or that the lease under which the holder of the licence occupies his house contains a covenant or prohibition against transferring the licence, or assigning, or sub-letting without the consent of the lessor, and that such consent has not been obtained; or that any direction of the Bench as to additional accommodation has not been complied with.

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DIVISION IV.

Nature of objections to transfers.

*Ibid.*, s. 47, altered.

**53.** The Bench assembled at any quarterly meeting may, upon the application of any holder of a licence or of a certificate under section 54 hereof, or of any person who has given notice to the clerk of the Bench of his entry, as required by such section, and upon being satisfied that the provisions of this Act have been complied with, transfer the licence to the proposed transferee by a certificate in the form of Schedule K hereto, signed by the clerk of such Bench; and thereupon, and on payment of the sum of Twenty Shillings for such certificate, such transferee shall thereafter have and exercise the same privileges and be subject to the same liabilities and penalties as if such licence had been originally granted to him; and the person whose licence is so transferred shall cease to be a licensed person under this Act in respect of the premises mentioned in such licence, but shall remain liable for any act or omission done, caused, permitted, or made by him prior to such transfer.

Bench may transfer licence.

*Ibid.*, s. 49, altered.

DIVISION V.—TRANSMISSION OF LICENCES.

DIVISION V.

**54.** (1) On the happening to the holder of any licence other than a club or packet licence, or of a certificate under this section, of any of the events mentioned in the first column of this subsection, or on any such holder doing, permitting, or suffering any of the acts, matters, or things mentioned in such first column, the person specified in the second column opposite to the events, acts, matters or things mentioned in such first column shall be entitled to enter upon the licensed premises of such holder, and may, subject to obtaining a certificate of a Special Magistrate or Justices as hereinafter mentioned, continue and carry on the business thereof until the meeting of the Bench held next after the expiration of twenty-eight days from such entry, at which meeting an application shall be made by such person who has so entered for a transfer of the licence, or for a licence, as the case may require, and the proceedings to obtain such transfer or licence shall be the same, or as nearly as may be, and the Bench shall have and exercise the same discretion as in ordinary cases of applications for a transfer or licence.

Transmission of licences.

Act 191, 1880, s. 50.

Act 540, 1891, s. 37.

Altered.

1. On

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DIVISION V.

## First Column.

## Second Column.

- |  |  |
|--|--|
| <p>i. On death:</p> <p>ii. On insolvency, statutory assignment, or composition, whereby the estate of a licensed person becomes an asset for the benefit of his creditors:</p> <p>iii. On sickness or other infirmity, whereby the licensed person become disabled personally to conduct the business of the licensed premises:</p> <p>iv. On the lunacy of any licensed person:</p> <p>v. On sale of the licensed premises:</p> <p>vi. On surrender, forfeiture, recovery by legal process, or other determination of the right of the licensed person to the possession of the licensed premises, or upon the licensed person yielding up possession of the premises before the expiration of the licence, or allowing such premises to become vacant:</p> <p>vii. On the neglect or refusal of the licensed person to give notice of application for the renewal of his licence, or, having given such notice, on his neglecting to apply at the annual meeting for such renewal, or, on his having so applied, his being refused a renewed licence merely on personal grounds, or having been granted a licence, on his refusing or neglecting to pay the licence fee within thirty days from the meeting of the Bench at which the licence was granted:</p> | <p>i. The legal personal representative, (or his nominee or assign), or the widow, widower, or any child of the deceased:</p> <p>ii. The assignee, trustee, or other person in whom the estate becomes vested, or his nominee or assign:</p> <p>iii. The wife or husband, or any child, or the nominee of the licensed person:</p> <p>iv. The committee of such person or the nominee of such committee:</p> <p>v. The purchaser or his nominee:</p> <p>vi. The landlord, mortgagee, or other person who may be <i>bonâ fide</i> entitled to the licensed premises or the possession thereof, or the nominee or agent of any such landlord, mortgagee, or other person:</p> <p>vii. The landlord, mortgagee, or other person prejudiced thereby:</p> |
|--|--|

VIII.—On

*The Licensing Act.—1908.*

First Column.	Second Column.	PART III. DIVISION V.
viii. On the neglect or refusal of a person to whom a certificate has been granted as hereinafter mentioned to make application for a transfer of the licence or for a licence (as the case may require), or upon the refusal of the Bench to transfer the licence or to grant a licence (as the case may require) to such person.	viii. The landlord, mortgagee, or other person prejudiced thereby.	

(2) Every person entering upon any licensed premises, and continuing the business thereof under the provisions of this section, shall, within seven days after such entry, give notice thereof in writing to the clerk of the Bench, and shall, on receiving notice from the said clerk, attend before a Special Magistrate or two Justices, at a time and place to be specified in such last-mentioned notice; and if such Special Magistrate or Justices are satisfied that such person is a desirable person to hold a certificate, and that he has not been previously refused a licence by any Bench, such Special Magistrate or Justices may, in his or their discretion, grant to such person a certificate, in the form of Schedule L hereto, and such person shall, so long as such certificate continues in force, be deemed a licensed person, and shall be subject to the same liabilities and penalties as if he held a licence under this Act, and such certificate shall whilst in force be deemed to be the licence of such person. Altered.

(3) The time specified in the notice last mentioned in subsection (2) of this section shall be not less than fourteen days after the clerk has received the notice first mentioned in such subsection; and the clerk shall send to the Commissioner of Police and to the Inspector for the District particulars of the notice in this subsection first referred to. New

(4) If in the event mentioned in subdivision v. of the said first column the Special Magistrate or Justices refuse to grant a certificate as aforesaid to the purchaser or his nominee, upon an application made in accordance with subsection (2) of this section, the purchaser shall, notwithstanding any agreement to the contrary, be entitled to recover any money or other thing whatsoever paid or delivered to the vendor, or to any person on behalf of the vendor, on account of the purchase or agreement for the purchase, whether by way of deposit or payment or part payment of the purchase-money, or by way of earnest or otherwise to bind the agreement. New.

(5) Any person entering upon premises in consequence of any of the events mentioned in subdivision vii. of the said first column shall, within seven days after obtaining such certificate as aforesaid, present or send the same to the Treasurer, and pay the same licence Act 191, 1880, s. 50

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DIVISION V.**

licence fee as would have been payable if the licence had been granted at the annual meeting of the Bench; and in the event of a licence being granted by the Bench at a subsequent meeting, no further fee shall be payable in respect of such licence for that licensing year.

New.

(6) Any person entering upon premises within the twenty-eight days immediately preceding an annual meeting of the Bench, in consequence of any of the events mentioned in any subdivision except VII. of the said first column, shall, within seven days after obtaining such certificate as aforesaid, present or send the same to the Treasurer, and pay the same licence fee as would have been payable if such certificate had been a licence granted at such annual meeting; and in the event of a licence being granted by the Bench at a subsequent meeting, no further fee shall be payable in respect of such licence for that licensing year.

Act 191, 1880, s. 50.

(7) From and after the entry of any person under the provisions of this section upon any premises, until the grant to such person of a certificate as aforesaid, such person shall be deemed a licensed person, and shall be subject to the same liabilities and penalties as if he held a licence under this Act, and such certificate, when granted, shall be subject to the same indorsements as if it had been in force at the time of such entry.

New.

(8) The production of a notice of entry given by any person under this section shall be sufficient proof, in any proceedings for any offence against this Act, that such person has entered upon the premises therein mentioned, and that he is carrying on the business thereof.

New.

(9) Whenever a Special Magistrate or Justices grant a certificate under this section, he or they shall forthwith send particulars of the same to the clerk of the Bench.

**DIVISION VI.****DIVISION VI.—REMOVAL OF LICENCES.**

Removal of licence to other premises.

Act 191, 1880, s. 52.

Altered.

**55.** (1) If any person holding any licence under this Act, except a packet licence, is desirous of removing his business to other suitable and convenient premises, he shall, twenty-eight days before any quarterly meeting of the Bench, deliver to the clerk of such Bench, and also post and keep posted until such meeting, on the outer door of the licensed premises and of the premises to which it is proposed to remove the licence, a notice in the form in Schedule M hereto; and in case the licence sought to be removed is a publican's or wine licence, he shall with such notice deliver to the clerk plans of the premises to which it is proposed to remove such licence, and the clerk shall take proceedings thereon similar to those hereinbefore directed with regard to applications for licences.

(2) The plans to be delivered under subsection (1) of this section shall comply with all the requirements as to plans contained in section 32 of this Act.

(3) Nothing

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(3) Nothing herein contained shall be construed to make it obligatory on the holder of a licence who puts up new premises of the same or superior accommodation to, and on the site of his licensed premises, to apply for a removal of his licence to such new premises.

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DIVISION VI.

**56.** The objections to a removal of which notice may be given are the following:—That the licensing of the house to which it is proposed to remove the licence is not required for the accommodation of the public; or that it is in the vicinity of a church or other place of public worship, or a hospital, or school, and would, if licensed, be the cause of inconvenience or annoyance to persons using or frequenting such church, place of worship, hospital, or school; or that the quiet of the locality in which such house is situated will be disturbed, if a licence is granted for the sale of liquor in such house (but such last-mentioned objection shall not be entertained unless a petition against the removal of such licence to such house is presented to the Bench signed by at least two-fifths of the electors in the immediate neighborhood of such house); or that the lease under which the holder of the licence occupies his house contains a covenant or prohibition against removing the licence to any other house without the consent of the lessor, and that such consent has not been obtained; that there is direct means of communication between any store, shop, office, or dwelling-house and the premises mentioned in the application or the appurtenances thereof or any premises within the same enclosure as the premises mentioned in the application, that the said premises or any adjacent store, shop, or house, owned or occupied by the applicant (whether there is or is not any such means of communication between such adjacent store, shop, or house and the said premises) is of a disorderly character, or frequented by prostitutes, thieves, or persons of bad character.

Nature of objections  
to removal of licence.  
*Ibid*, s. 53, altered.

(2) If the application is for the removal of a publican's licence notice of the following objections may be given, in addition to the foregoing, namely:—If the premises are situated in or within ten miles of the city of Adelaide, that they have not, at least, two moderate-sized sitting-rooms and two sleeping-rooms, properly ventilated and furnished, constantly ready and fit for the accommodation of members of the public, independent of the rooms occupied by the applicant and his family. If such premises are situated more than ten miles from the city of Adelaide, that they have not, at least, one sitting-room and two sleeping-rooms, properly ventilated and furnished, constantly ready and fit for the accommodation of travellers, and separated from any bar by a space of at least twelve feet, with a separate entrance, or that there is not a stable on the premises, capable of containing, at least, four horses, with a sufficient quantity of hay and corn (but want of stabling accommodation shall not be an objection to premises within the limits of a Municipality whose population numbers two thousand or over).

*Cf.*, s. 47, *ante*.

Wherever

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DIVISION VI.**

Wherever such premises are situated, that they have not decent and separate places of convenience for both males and females, or have not urinals on or near the premises, for the use of the customers thereof, so as to prevent nuisances and offences against decency.

Mode of removal of  
licence from one  
house to another.

Ibid, s. 54.

**57.** (1) The provisions of section 33 of this Act shall apply, *mutatis mutandis*, to an application for removal; and the Bench assembled at any quarterly meeting may remove the licence from one house to another, by a certificate in the form of Schedule N hereto, under the hand of the clerk of such Bench, and thereupon, and on payment of the sum of Twenty Shillings for such certificate, the holder of such licence shall be authorised to carry on business thereunder in the premises to which such licence is removed, instead of in his former house, in the same manner as if such licence had been originally granted in respect of the premises to which such licence is so removed, according to the tenor and effect of such licence; and the premises in respect of which such licence was originally granted shall thereupon cease to be licensed.

Act 540, 1891, s. 28.

(2) No licence shall be removed from premises situated within any Local Option District to premises situated within another Local Option District.

**DIVISION VII.****DIVISION VII.—PROCEDURE ON HEARING OF APPLICATIONS.**

Proceedings on appli-  
cation for transfer or  
removal same as on  
application for licence.

Act 191, 1880, s. 48.

**58.** The provisions of this Act as to the proceedings upon an application for a licence shall apply as nearly as possible to the proceedings upon an application for the transfer of a licence or the removal of a licence from one house to another.

Discretion of Bench  
as to all applications.

Act 540, 1891, s. 10,  
enlarged.

**59.** (1) No licence shall be renewed nor shall any application be granted as a matter of course; and upon the hearing of any application for the grant, renewal, transfer, or removal of a licence, whether notice of objection has been delivered or not, and whether objection is taken at the hearing or not, the Bench shall hear, inquire into, and determine the application and all such objections (if any) on the merits, and shall grant or refuse the application upon any ground which, entirely in the exercise of its discretion, it deems sufficient; and against such grant or refusal there shall be no appeal.

Need not state  
grounds for decision.

New.

(2) It shall not be necessary for the Bench to state the ground or reason for its decision to grant or refuse such application; or, if refused, to state upon what (if any) particular objection the application is refused.

No compensation on  
non-renewal of  
licence.

(3) No compensation shall be payable to any person by reason of the refusal of the Bench to grant any application.

**60.** (1) The



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**60.** (1) The applicant, or any person objecting to the grant of a licence, or to the renewal, transfer, or removal, of a licence, may obtain, at the office of the clerk of the Bench, summonses for witnesses; such summons shall be in the form in Schedule O hereto, or to the like effect.

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DIVISION VII.

Witnesses may be summoned.

Act 131, 1880, s. 65

(2) The Bench may direct that any person, whose evidence they deem it desirable to have, be summoned to attend and give evidence in the matter of any application for the grant, renewal, transfer, or removal of a licence. The clerk shall thereupon issue such summons as mentioned in subsection (1), and cause the same to be served upon such person. The provisions of sections 225 and 226 of this Act shall apply to every person summoned to attend and give evidence under this subsection.

New.

**61.** The applicant for the grant, renewal, transfer, or removal of a licence may be summoned under the next preceding section hereof to attend and give evidence upon the hearing of the application; and, whether summoned or not, such applicant may, if present at the hearing, be called as a witness. All the provisions of the next preceding section and of the sections therein mentioned shall apply to any applicant so summoned and to any applicant present at the hearing.

Applicant may be required to give evidence.

New.

**62.** The Bench, assembled at an annual or quarterly meeting, may order that any person objecting to any application, and failing to support such objection to their satisfaction, shall pay to the applicant a sum not exceeding Ten Pounds, for the costs incurred by such applicant in supporting such application; and such costs may be recovered in the same manner as any sum of money ordered to be paid by any order of Justices: Provided always that no such order shall be made where such objection is made by any member of the Police Force or any inspector.

Costs may be given against unsuccessful objector.

Act 191, 1880, s. 57.

**63.** (1) If any person entitled to apply for the renewal of any licence in respect of any premises fails to make application therefor to the Bench within the proper time, it shall be lawful for a Special Magistrate, if satisfied that such failure arose through illness, accident, or misadventure, to grant to such person a certificate which shall authorise such person to carry on the business of such premises until the next quarterly meeting of the Bench; and such person shall, during the period such certificate continues in force, be deemed a licensed person, and shall be subject to the same liabilities and penalties as if he held a licence under this Act, and such certificate shall whilst in force be deemed to be the licence of such person.

Special permits to carry on licensed premises.

Act 666, 1896, s. 45, altered.

(2) Such person shall, within seven days after obtaining such certificate, present or send the same to the Treasurer, and pay the same licence fee as would have been payable if such certificate had been a licence granted at the annual meeting of the Bench, and in the event of a licence being granted by the Bench at a subsequent meeting no further fee shall be payable in respect of such licence for that licensing year.

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Five days' certificate  
may be granted in  
certain cases.

Ibid., s. 60.

Act 540, 1891, s. 34.

Altered.

## DIVISION VIII.—SPECIAL AUTHORITIES TO SELL LIQUOR.

**64.** If any two Justices living within ten miles of any licensed premises or any Special Magistrate approves of any person (holding at the time a publican's or wine licence for such premises) selling liquor or mead, wine, cider, and perry, as the case may be, in any booth or building at any fair, military encampment, agricultural exhibition, races, regatta, rowing match, cricket ground, or other place of public amusement, for a period not exceeding five days, such Justices or Special Magistrate, upon being satisfied that such licensed person has first obtained the consent and approval of the stewards, committee of management, or other persons having the conduct, control, or management of such fair, encampment, agricultural exhibition, races, or other amusement, and of the officer of the Police Force in charge of the station nearest the licensed premises, may signify their or his approval in writing, by a certificate in the form contained in Schedule P hereto, and thereupon and upon payment, by any person holding a publican's licence, for such certificate of a fee of One Pound for the first day and Ten Shillings for every subsequent day for which the certificate is granted, and, by any person holding a wine licence, for such certificate of a fee of Ten Shillings for each day for which the certificate is granted, it shall be lawful for such licensed person to sell liquor, or mead, wine, cider, and perry accordingly, in such booth or building, for the number of days specified in such certificate: Provided always that nothing herein contained shall be construed as an authority for selling or supplying any liquor to any person to whom it is by this Act made unlawful to sell or supply liquor, or for admitting such person to any such booth or building, or for allowing him to remain therein, or for selling or supplying any liquor during any day or time during which the sale of liquor on licensed premises is prohibited by law: Provided further that this section shall not apply to the occasion of any cadets' military encampment, or of any races, regatta, rowing, or other match, or sports held in connection with any college or school or any association of which the members are, or may be, of less than twenty-one years of age.

Packet certificates.

Act 540, 1891, s. 32,  
altered.

**65.** Any Special Magistrate or two Justices may, by a certificate in duplicate, give permission to the master or commander of any steamer or other vessel (in respect of which a packet licence has not been granted, or is not subsisting), on the occasion of any excursion or trip by such steamer or vessel, to sell liquor on such steamer or vessel for a period not exceeding one day. Every person obtaining such permission shall forward one of such certificates in a prepaid registered letter, together with a fee of One Pound, to the Commissioner of Police, within twenty-four hours after obtaining the same; and the person to whom such certificate is granted may sell liquor on the said steamer or vessel during the period therein mentioned: Provided that nothing herein contained shall be construed as an authority for selling any liquor to any person to whom it is by this Act made unlawful to sell or supply liquor, or for admitting such person to any bar on such steamer or other vessel,

or

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or for allowing him to remain therein, or for supplying or selling any liquor during any day or time during which the sale of liquor on licensed premises is prohibited by law.

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**66.** Notice of the grant of any certificate under the next preceding section hereof, giving the name of the person to whom, and the name of the steamer or vessel in respect of which, the same has been granted, and also the name of the Special Magistrate or Justices by whom the same has been granted, shall be published by the Commissioner of Police in the *Gazette* as soon as practicable after he receives notice of the grant thereof.

Certificates to be  
gazetted.  
Act 191, 1880. s. 62.

**67.** If the holder of a licence is desirous of leaving the said State for a time, and of appointing a person to act for him during his absence, such holder may give notice of such desire to the clerk of the Bench, stating the time he requires to be absent, and the name and description of the person he wishes so to be appointed to act for him, and shall, on receiving notice from the said clerk, attend before a Special Magistrate with the person he wishes to be appointed, and if such Special Magistrate in his discretion deems such person to be a desirable person to act, and if such person has not been previously refused a licence on personal grounds by any Licensing Bench, such Special Magistrate may grant a certificate, in the form of Schedule Q hereto, permitting such person so to act for the holder during his absence, for such time, not exceeding twelve months, as such Special Magistrate in his discretion allows: Provided always that the person so permitted to act shall be liable to the same liabilities and penalties as if he were the holder of a licence under this Act, and as if the licence of the person who appointed him to act were the licence of the person so permitted to act.

Provision for carrying  
on business during  
absence of licensed  
person.  
Ibid, s. 63.

**68.** (1) If the Special Magistrate nearest to any goldfield approves of any person holding a publican's licence selling liquor or any person holding a wine licence selling mead, wine, cider, and perry, on such goldfield, in any erection or building to be approved by such Special Magistrate, the said Special Magistrate may, upon being satisfied that such licensed person has first obtained the consent of the officer in charge of such goldfield, grant one or more certificate or certificates, in the form contained in Schedule R hereto, to sell liquor, or mead, wine, cider, and perry, as the case may be, in a stated place on such goldfield for the residue of the term of the applicant's licence, subject to a fee of Five Pounds for a publican's licence, and One Pound for a wine licence, being paid into the hands of the officer in charge of such goldfield before any such sale is made. Such officer shall pay all fees so received to the Treasurer.

Certificates to sell  
liquor on goldfields.  
Act 666, 1896, s. 49.

(2) Such certificates may on like payment be renewed from time to time for a further term of not exceeding six months by the Bench for the district in which such goldfield is situate at any annual or quarterly meeting, so long as the person holding the same holds a licence under this Act: Provided that any person holding such

Renewal of such  
certificates.

certificate

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certificate for premises situate within one mile from the nearest boundary of any town or township which is proclaimed, or from any hotel for which a licence is obtained, shall, after thirty days' notice by the clerk of the Bench for the district, and although the period for which such certificate was granted has not expired, cease to be entitled to sell any liquor under such certificate: No certificate shall be granted to any person in respect of premises situate on Crown lands unless such person has lawful authority to occupy such Crown lands.

## DIVISION IX.

## DIVISION IX.—FORFEITURE OF LICENCES.

Licences, how absolutely forfeited.  
Act 191, 1880, s. 65.  
Altered.

**69.** (1) If any person holding a licence under this Act is convicted of any felony, such licence shall immediately thereupon be forfeited and void.

(2) If any person holding a publican's licence permits any person whomsoever, other than a member of his family, to manage, superintend, or conduct the business of his licensed premises during his absence for a longer period than one month, without the previous consent in writing of a Special Magistrate or two Justices, or, whether residing in such licensed premises or not, permits any unlicensed person to become virtually or in effect the keeper thereof, or suffers such licensed premises to become ruinous or dilapidated, or neglects or fails to comply with any direction of the Bench as to additional accommodation, then, upon information by any person and on proof of the facts to the satisfaction of the Bench or of any Special Magistrate or any two Justices, such Bench, Special Magistrate, or Justices shall, by an order under his or their hand or hands, or the hand of the clerk of such Bench, declare such licence to be forfeited, and such licence shall thereupon cease to be of any force or effect: Provided that if such licensed premises have become ruinous or dilapidated by reason of fire, tempest, or other cause beyond the control of the holder of such licence, then such licence shall not be declared forfeited until a reasonable time has elapsed for such holder to repair or reinstate such licensed premises.

Exception.

Licence may be forfeited if holder twice, and shall be if thrice, convicted within two or three years.

Ibid, s. 66, altered.

**70.** (1) If any person holding a licence under this Act is within a period of two years convicted two several times of offences for which his licence is liable to be forfeited as in this Act provided (whether such convictions are in respect of the same kind of offence or not), the Special Magistrate or Justices by whom such person is convicted for the second offence, or the Bench for the district in which the licensed premises in respect of which such person holds a licence are situate, may, or if any person holding a licence under this Act is within a period of three years convicted three several times of such offences as in this section before mentioned, the Special Magistrate or Justices by whom such person is convicted for the third offence, or such Bench as in this section before mentioned shall, upon information by any person and on proof of the convictions, by an order under his or their hand or hands, or the hand of the clerk of such Bench, which order may be

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be in the form of Schedule S hereto, declare such licence to be forfeited, and such licence shall thereupon cease to be of any force or effect, and the person whose licence is so forfeited shall thereupon be disqualified for a term of two years from holding any licence under this Act.

(2) No such declaration of forfeiture shall be made by a Bench except upon information lodged with the clerk of the Bench within four months after such second or third conviction (as the case may be) as aforesaid, and upon seven days' notice of the hearing of such information, and of the time and place of the meeting of the Bench being given by the clerk to the holder of such licence.

Procedure to obtain forfeiture.

Act 191, 1880, s. 66

Altered.

(3) An order for forfeiture under this section may be made, but shall not be enforced, while any appeal against such second or third conviction (as the case may be) is pending; but if such conviction is upheld on appeal such order shall take effect from the time when such appeal is disposed of.

Ibid, altered.

71. If, after any holder of a licence under this Act has been convicted of any offence for which his or her licence is liable to be forfeited, as in this Act provided, such holder procures the transfer of such licence to his or her wife or husband (as the case may be), and after such transfer such wife or husband is convicted of any offence or offences, the licence of the transferee shall be under the same liability to forfeiture as if the transferee had been the holder of the licence at the time the transferor was convicted of such offence, and had been convicted in the place of the transferor.

Offence of transferor who transfers to wife, and *vice versa*, to be deemed offence of transferee as regards liability to forfeiture.

Vict. Act 1111, 1890, s. 110.

72. Nothing in this Act shall prevent the infliction of any pecuniary penalty or any term of imprisonment to which any person whose licence is forfeited would be liable, or shall in any way limit the power of any Bench to refuse any licence to such person.

Forfeiture not a waiver of penalty.

New.

73. (1) Upon granting the renewal of any publican's or wine licence the Bench may impose the condition that the licensee shall deposit new plans of his licensed premises with the clerk of the Bench: Provided that no such condition may be imposed within five years of the first grant of such a licence in respect of such premises, nor within five years of the last deposit of plans thereof as mentioned in this section.

Forfeiture for not depositing fresh plan of premises.

New.

(2) In such case the licence shall at the expiration of six months after such renewal become forfeited and void unless in the meantime the licensee has deposited with the clerk of the Bench such plans of his licensed premises as would be necessary if he were applying for a publican's or wine licence in respect thereof as premises which had not been previously licensed.

74. (1) In case the person who holds a licence which is forfeited under this Act is a tenant or a mortgagor of the premises in respect of which such licence is forfeited, it shall be lawful for a Judge of the Supreme Court, on an *ex parte* application by

Landlord in case of forfeiture of licence by tenant to be allowed to carry on business.

Act 191, 1880, s. 67.

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DIVISION IX.

by the owner or superior landlord, or other person entitled to the reversion of the said premises, or the mortgagee, and on proof by affidavit or otherwise of such forfeiture, to make an order authorising the owner or superior landlord, or other person entitled to the reversion of the said premises, or the mortgagee, or the agent of either of such persons, to enter and take possession of the said premises; and thereupon the person mentioned in such order may enter upon the said premises, and continue and carry on the business thereof until the meeting of the Bench for the district in which the premises are situated held next after the expiration of twenty-eight days from the time of such entry, at which meeting an application may be made by such person in possession for a new licence; and the proceedings to obtain such licence shall be the same as in ordinary cases for obtaining a licence for previously licensed premises.

And deemed to be licensed.

New.

(2) The person authorised by such order to enter and take possession shall until such meeting of the Bench be deemed to be a licensed person, and such order shall be deemed to be his licence, and he shall be liable to the same liabilities and penalties as if he were the holder of a licence under this Act.

## DIVISION X.

Incorporated company may hold publican's licence.

Manager of licensed premises to be approved by the Bench.

Manager deemed to be licensee.

Company liable for fines and penalties.

No publican's or wine licence to be held by a woman, except in certain cases.

Cf. N.S.W. Act 18, 1898, s. 23.

## DIVISION X.—GENERAL.

**75.** (1) A company incorporated under the laws of the said State, and with the sole object of carrying on the business of a licensed victualler, may hold a publican's licence in respect of one hotel only.

(2) Upon applying for any such licence the company shall submit to the licensing Bench the name of a person as its manager of the licensed premises, and for the purpose of objections such person shall be deemed to be the applicant. The licence shall state the manager's name, and the approval in writing of the Chairman of the Licensing Bench for the district shall be necessary before any change of manager will be recognised for the purposes of this Act.

(3) For the purposes of this Act the manager of the licensed premises shall be deemed to be the person licensed in respect of the premises or the holder of the licence thereof; and such premises shall be deemed to be his licensed premises or the premises in respect of which he is licensed or holds a licence.

(4) In addition to the manager the company shall be responsible to pay the amount of any fines or penalties incurred or inflicted in consequence of any offence upon the licensed premises against this Act or any Act amending this Act, and the same may be enforced by distress in manner provided by the Ordinance No. 6 of 1850.

**76.** No application for the grant, renewal, or transfer of a publican's or wine licence to a single female shall be entertained, nor shall any such licence be held by a single female, unless she is—

(a) At the time of the passing of this Act the holder of such a licence, or

(b) At

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- (b) At the time of the passing of this Act the owner or lessee of premises in respect of which such a licence is current at the time of the passing of this Act.

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77. Any Special Magistrate, Justices, or Bench who hear any information for forfeiture of a licence may, if he or they think fit, order any person whose licence is forfeited to pay costs to the person on whose information such forfeiture is ordered; or in case any such information is dismissed, may order the person (other than a member of the Police Force or an inspector) laying such information to pay costs to the holder of the licence.

Costs may be ordered.  
Act 191, 1880, s. 68.

78. The clerk of the Court (other than a Licensing Bench) by whom or in which any forfeiture of a licence is ordered, or, if there is no clerk, then the Special Magistrate or Justices declaring such forfeiture, shall, within seven days after such forfeiture, report the same to the clerk of the Licensing Bench for the Licensing District wherein the premises of which the licence is so forfeited are situated: Provided that in case the person whose licence is so declared forfeited appeals against such forfeiture, no such report shall be made until after such appeal is disposed of.

Clerk of Court in which forfeiture ordered to forward particulars to clerk of Adelaide Bench.  
Ibid, s. 69.

79. (1) The clerk of each Licensing Bench—

- (a) Shall cause a report to be inserted in the first, second, or third number of the *Gazette* published next after each annual and quarterly meeting of such Bench showing the date of such meeting, the names of all applicants, the nature of the applications, the names and situations of the premises in respect of which the applications were made, and the manner in which the applications were disposed of, including (if such Bench so directs), in case of a refusal, the particular objection or objections (if any) on account of which the refusal was made, and shall send a duplicate of such report to the clerk of the Licensing Bench for the Adelaide Licensing District; and

Clerks of Benches to publish particulars of applications.

Ibid, ss. 59 and 70.

Altered.

- (b) Shall cause particulars of every forfeiture of a licence in respect of premises situated within the Licensing District over which such Bench has jurisdiction, and of the issue of every certificate or other authority under this Act to sell or supply liquor or carry on the business of any licensed premises so situated of which he receives notice or has knowledge to be inserted in the first, second, or third number of the *Gazette* published next after he receives notice or acquires knowledge of such events.

And of forfeitures and certificates.

Ibid.

(2) The Clerk of the Licensing Bench for the Adelaide Licensing District shall file the duplicates of the reports sent to him as required by subsection (1) of this section as a record which shall be open for inspection by any person at the office of such clerk without payment of any fee.

Clerk of Adelaide Bench to keep record of applications.

Ibid, s. 59.

80. Whenever

*The Licensing Act.—1908.*PART III.  
DIVISION X.Provision for issuing  
duplicate of lost  
licence.

Ibid, s. 71.

**80.** Whenever any licence granted pursuant to this Act is lost or destroyed, the licensee, or the holder of a certificate authorising such holder to carry on business in any licensed premises, may apply to the Bench by which such licence was granted, at any quarterly meeting, for a duplicate thereof, and such Bench, if satisfied of the loss or destruction of such licence, and that the same has not been forfeited or transferred or wilfully destroyed, may grant the issue of a duplicate licence; and the clerk of such Bench shall make out and forward to the Treasurer, or to some officer appointed by him, a duplicate of the original licence, and such Treasurer or officer shall, upon payment of a fee of One Pound, deliver such duplicate licence to such licensee or holder of a certificate.

Power of Benches to  
make rules and  
regulations.

Ibid, s. 72.

**81.** Any Bench may from time to time make regulations, not inconsistent with this Act, as to the mode of hearing applications for licences, and for the renewal, transfer, and removal of licences, and generally as to the manner of conducting the business of such Bench and providing for emergencies. Until such regulations are made, the regulations contained in Schedule T hereto shall be observed by the Benches. All such regulations made by any Bench shall, after being approved by the Governor in Council, be published in the *Gazette*. Upon such publication, after approval, every such regulation shall have the full force of law.

## DIVISION XI.

Existing licences.

## DIVISION XI.—CLUBS.

**82.** Every club licence granted by a Licensing Bench and in force at the commencement of this Act shall have no force or effect after the twenty-fifth day of March next after the coming into operation of this Act.

No liquor to be sold  
in club unless  
registered or except  
to a member.

Ibid., s. 5.

**83.** (1) No liquor shall be sold or supplied by or on behalf of a club in the club premises or kept in or upon such premises unless such club has been duly registered pursuant to this Act, and unless such liquor is sold or supplied to a member of such club, or is supplied to a visitor in the presence and at the expense of a member thereof.

(2) Every person who sells or supplies or keeps liquor, and every member of the committee of management of a club who permits the sale or supply or keeping of liquor, in contravention of this section, shall for every such offence be liable to a penalty of not exceeding Ten Pounds.

No club registered  
unless Act complied  
with.N.S.W., 1905, s. 45.  
Vic., No. 2068, s. 7.

**84.** No club shall be or continue to be registered under this Part of this Act unless all the following conditions exist with respect to it:—

- (a) The club must be a *bona fide* association, body, or company of not less than one hundred persons in the case of a club established in the City of Adelaide, and not less than fifty persons in the case of a club established elsewhere:

(b) The



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- (b) The club must be a body, association, or company associated together for social, literary, political, sporting, athletic, or other lawful purpose:
- (c) The club must be established for the purpose of providing accommodation for the members thereof, or for such members and their guests, upon premises of which such association, body, or company are the *bonâ fide* occupiers:
- (d) The accommodation must be provided and maintained from the joint funds of the club, and no person must be entitled under its rules or articles to derive any profit, benefit, or advantage from the club which is not shared equally by every member thereof:
- (e) The premises upon which the club is established and the accommodation must be suitable for the purposes of the club:
- (f) No payment or part payment of any secretary, manager, or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for liquor supplied:
- (g) A register of members of the club for the time being shall be kept on the club premises as hereinafter required:
- (h) The business and affairs of the club must be under the management of a committee elected for not less than twelve months by the general body of members.
- (i) In the case of a club which existed as a *bonâ fide* club, and was duly licensed on or before the first day of January, one thousand nine hundred and seven, such club may be registered under this Part of this Act, notwithstanding that it does not comply with the provisions of paragraphs (c) and (d) of this section.

**85.** (1) No club shall be eligible to be registered unless its rules provide that—

Rules of club.  
Act No. 2068, s. 8  
Vic. Act, No. 40,  
of 1905, N.S.W.

- (a) The committee shall hold meetings at least once a quarter, and minutes of all resolutions and proceedings of such committee shall be entered in a book to be kept for that purpose;
- (b) The names and addresses of persons proposed as ordinary members of the club shall be displayed in a conspicuous place in the club premises for at least a week before their election, and an interval of at least two weeks shall elapse between nomination and election of ordinary members;
- (c) All members shall be elected by the general body of members or by a general or by an election committee, and a record shall be kept by the secretary of the club of the number of the members voting;

E—970

(d) There

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- (d) There shall be a defined subscription of not less than Twelve Shillings per annum payable by members monthly, quarterly, half-yearly, or annually, in advance;
  - (e) Correct accounts and books shall be kept showing the financial affairs of the club and the particulars usually shown in the books of accounts of a like nature;
  - (f) A visitor shall not be supplied with liquor in the club premises unless in the company and at the expense of a member;
  - (g) No person shall be allowed to become an honorary or temporary member of the club, or be relieved of the payment of the regular subscription, except those possessing certain qualifications defined in the rules and subject to conditions and regulations prescribed therein;
  - (h) No person under twenty-one years of age shall be admitted a member of the club except when a club is primarily devoted to some athletic purpose in which case there shall be no limitation of the age of a member. No liquor shall be sold or supplied to any person under twenty-one years of age;
  - (i) No liquor shall be sold or supplied for consumption elsewhere than in the club premises unless such liquor is removed from the club premises by the member purchasing the same; and
  - (j) No person under eighteen years of age, except boys who are being trained as waiters or messengers and are not allowed to serve behind the bar, shall be employed in the premises of such club.
- (2) The Governor may, by Proclamation, declare that any club named therein which is mainly devoted to some athletic purpose, and the management of which is vested in trustees, shall be exempted from compliance with paragraphs (b) and (c) of this section, and with paragraphs (c) and (h) of section 84, and such trustees shall, for the purposes of this Division, be deemed the elected committee of the club.

Manner of application for registration.  
Act 666, 1896, s. 8.

**86.** The secretary, steward, or manager of a club desiring to be registered under this Act shall, twenty-eight days before the meeting of the Licensing Bench at which he intends to apply for a certificate—

- (a) Post on the outer door of the premises in respect of which such certificate is intended to be applied for a notice in the form applicable in Schedule E hereto; and
- (b) Deliver to the clerk of the Bench for the licensing district in which the premises of the said club are situated a duplicate of such notice, accompanied by a certified copy of the rules of such club and a statutory declaration by the secretary, steward, or manager of the names and addresses of the committee of management thereof and of the number of *bona fide* members of the club at the date of application.

**87.** (1) The

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**87.** (1) The secretary, steward, or manager of a club desiring to obtain a renewal of its certificate of registration shall, twenty-eight days at least before the annual meeting of the Bench, deliver to the clerk of the Bench a notice in the form applicable in Schedule E hereto.

Application for renewal.

New.

(2) Such notice shall be accompanied by the following documents—

- (a) A printed copy of all rules of the club certified as correct by the secretary, steward, or manager :
- (b) A statutory declaration by the secretary, steward, or manager of the names and addresses of the members of the committee of management, and of the number of *bonâ fide* members of the club at the date of the application.

**88.** When application is made for the grant or renewal of any such certificate of registration the clerk of the Bench shall file the same and forthwith cause notice of such application and the particulars thereof to be forwarded to the Commissioner of Police and the inspector for the licensing district.

Notice of application to Commissioner of Police and inspector.

Act 191, 1880, s. 42.

**89.** The inspector, on receipt of any such notice, may inspect the premises of the club and the register of its members, and satisfy himself by proper inquiries that such premises are in a satisfactory condition, and that the provisions of this Division are being duly observed.

Inspection of club premises.

Act 2068 Vic., s. 10, altered.

**90.** The clerk of the Adelaide Bench shall, by advertisement in the *Gazette* published not less than five weeks before the annual meetings of Benches, give notice requiring all persons having any complaint against the management or condition of any registered club, or of the premises thereof, to forward such complaint to the clerk of the Bench for the district in which such premises are situated at least fourteen days before the annual meetings, and to attend at such annual meetings to substantiate such complaint. Such notice may be in the form of Schedule H hereto.

Notice to be given of time for making objections.

Act 191 of 1880, s. 37, altered.

Form of notice. New.

**91.** (1) Every applicant for registration of a club not previously registered shall—

Personal attendance of applicant required.

Act 666, 1869, s. 9, altered.

- (a) Attend the Bench on the hearing of his application ; and,
- (b) If required by the Bench, verify upon oath the averments contained in such application.

(2) No applicant for a renewal of a certificate of registration of a club who has given notice as required by this Act shall be required to attend the Bench for the purpose of obtaining a renewal of the certificate of registration unless notice of objection to the application, stating the grounds, has been duly served as required by section 95.

**92.** (1) The

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Proceedings on  
consideration of  
application.

Ibid., s. 38.

Need not state  
grounds for decision.

New.

No compensation  
for non-renewal of  
licence.

Objections to grant  
or renewal of  
registration.

N.S.W., No. 40,  
1905, s. 40, Vic.,  
No. 2068, sec. 12.

**92.** (1) The proceedings on the consideration of any application or any objection to an application for a certificate of registration of a club, and also of every application or objection to any application to renew such certificate or change the premises, shall be public.

(2) The Bench assembled at their annual or quarterly meetings, or at any adjournment thereof—

(a) Shall hear, inquire into, and determine on the merits all such applications, and also all objections which are made to any such applications :

(b) Shall hear on oath such witnesses as are called :

(c) Shall grant or refuse the application entirely in the exercise of its discretion, and against such grant or refusal there shall be no appeal :

(d) May direct that such additional accommodation shall be supplied in or repairs made to such club premises and in such manner and within such reasonable time as they deem fit.

(3) It shall not be necessary for the Bench to state the ground or reason for its decision to grant or refuse such application, or, if refused, to state upon what (if any) particular objection the application is refused.

(4) No compensation shall be payable to any person by reason of the refusal of the Bench to grant any application.

**93.** (1) At the hearing of an application for grant or renewal of registration objections may, subject to section 95, be taken upon one or more of the following grounds :—

(a) That the application made by the club or the rules of the club or any of them are in any respect specified in such objection not in conformity with this Act :

(b) That the club has ceased to exist or that the number of members is less than one hundred or fifty, as the case may be, according to the locality in which the premises are situated :

(c) That the club is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose or mainly for the supply of liquor :

(d) That there is frequent drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, or that the club is conducted in a disorderly manner :

(e) That illegal sales of liquor have taken place in the club premises :

(f) That persons who are not members are habitually admitted to the club premises, merely for the purpose of obtaining liquor :

(g) That

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- (g) That a licence of any class or a certificate of registration under this Act, or any Act hereby repealed, in respect of the premises occupied or proposed to be occupied by the club, has been forfeited or cancelled, or the renewal thereof has been refused within twelve months next preceding the formation of the club, or next preceding the application:
- (h) That the supply of liquor to the club is not under the control of members of the committee appointed by the members:
- (i) That any of the rules of the club are habitually broken:
- (j) That the rules have been so changed as not to be in conformity with the provisions required by this Act to be embodied in the rules:
- (k) That persons are habitually admitted as members without an interval of at least two weeks between nomination and election:
- (l) That any other specified provision of this Division has not been complied with.
- (2) For the purpose of determining whether a club is conducted in good faith as a club, the Bench shall, amongst other things, have regard to the nature of the premises occupied by the club.

**94.** (1) An objection to the grant or renewal of the registration of a club may be taken by—

Who may take objections.

N.S.W., 1905, No. 40, s. 51, Vic., 2068, s. 13.

- (a) An inspector:
- (b) The council of the Municipality or District Council District within which the club premises are situate:
- (c) A ratepayer of property situate within one mile from such premises.

(2) The signature to any objection under paragraph (c) of subsection (1) shall be witnessed by a Justice.

**95.** No objector shall be heard against any application unless notice in writing of the objection has been given to the Clerk of the Licensing Bench and to the applicant at least fourteen days before the time appointed for the hearing of the application to which such notice applies.

Notice of objection.  
Vic., Act No. 2068, s. 18.

**96.** (1) Upon proof being made to the satisfaction of the Bench of the matters mentioned in sections 84 and 85 hereof, the Bench may grant to the applicant a certificate of registration for such club.

Bench may grant certificate of registration.  
Ibid., s. 10.

(2) The Clerk of the Bench shall forthwith sign a certificate in the Form No. 6 in the Schedule B hereto, and forward the same to the Treasurer or some officer appointed by him.

(3) Such

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(3) Such certificate shall state the name of the person who is then the secretary, steward, or manager of the club; and until receipt by the clerk of the Bench of a notice in writing of change of secretary, steward, or manager as provided by section 99, such certificate shall be *prima facie* evidence that such person is the secretary, steward, or manager of the club.

Annual fee for clubs.

*Ibid.*, s. 17.

**97.** The annual fee for a certificate of registration of a club shall be the same as the annual fee for a publican's licence, and be determined by the assessed value in the same way as the fee for a publican's licence is determined.

Club unregistered until certificate actually issued.

Act 666, 1896, s. 17.

**98.** Until the annual fee for the certificate of registration of a club is paid to the Treasurer or to an officer appointed by him for the purpose, and the certificate is actually issued, the club shall be deemed unregistered.

Notice to be given of change of steward or manager and certified copy of amendments or alteration of rules to be forwarded within fourteen days.

*Ibid.*, s. 14.

**99.** (1) The committee of management of a registered club shall—

(a) Within fourteen days after any change in the secretaryship, stewardship, or managership thereof forward notice in writing of such change to the Clerk of the Bench, and such notice shall be *prima facie* evidence of the appointment of the person named therein as the secretary, steward, or manager of such club:

(b) Within fourteen days from the making of any amendment or alteration in the rules of such club forward to the said clerk a certified copy of every such amendment or alteration.

(2) Every member of any committee which fails to comply with this section shall be liable to a penalty not exceeding Five Pounds.

Upon complaint certificate of registration may be cancelled.

*Ibid.*, s. 15, altered.

**100.** (1) Upon the information of an inspector or of an inspector or sub-inspector of police, the secretary, steward or manager, or other person conducting or managing a club, may be called upon to show cause before any Special Magistrate or two Justices why the certificate of registration of the club should not be cancelled.

(2) Upon the hearing of the information, if it is proved that the conditions of sections 84 and 85 or any of such conditions have not substantially been fulfilled with respect to the club, or that any one or more of the grounds set forth in section 93 exists with respect to the club or the premises thereof, or if three or more convictions for offences for which a licence under this Act is liable to be forfeited as provided by section 70, or against this Division have been made in respect of any acts or omissions in connection with the club, the said Special Magistrate or Justices shall cancel the certificate of registration, or if two such convictions have been made the said Special Magistrate or Justices may cancel the certificate.

**101.** (1) Every

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**101.** (1) Every secretary, steward, manager, or other person conducting or managing a club shall, on the hearing of any charge against himself or against any member of the committee of management of the club for any offence against this Act, produce the certificate of registration of the club to the Special Magistrate or Justices hearing such charge.

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Certificate to be produced for indorsement of convictions, and upon hearing of complaint for forfeiture thereof.

(2) If the secretary, steward, manager, or other person conducting or managing the club, or any member of such committee is convicted of any offence, such Special Magistrate or Justices shall indorse a memorandum of such conviction on such certificate.

*Ibid.*, s. 16.

(3) If the secretary, steward, or manager of or other person conducting or managing the club refuses or neglects to produce such certificate upon the hearing of such charge, he shall for every such offence be liable to a penalty not exceeding Twenty Pounds.

**102.** The steward, secretary, manager, or other person for the time being conducting or managing any club who refuses or neglects to produce to any inspector or any inspector or sub-inspector of police, when demanded, the certificate of registration for the club, or the register of existing members, or a certified copy of the rules of the club shall for every such offence be liable to a penalty not exceeding Ten Pounds.

Steward or manager to produce certificate, register, and rules of Club on demand of Inspector of Public-houses or Police.

*Ibid.*, s. 18.

**103.** (1) The premises of a registered club may be changed under the authority of a certificate of removal.

Certificate of removal.

*Vic. Act 2068*, s. 17.

(2) When such club desires to remove from the premises occupied by it to other premises the secretary, steward, or manager shall, at least twenty-eight days before applying for a certificate, deliver to the clerk of the Bench for the district in which such other premises are situated, and also post, and keep posted until the application is made, on the outer door of the club premises and of such other premises, a notice in the Form No. 2 in Schedule M, or in a form to the like effect.

(3) If on any such application a notice of objection has not been duly given, the clerk of the Bench shall issue the certificate of removal, but if notice of objection is so given the application shall be dealt with by the Bench as provided by section 92.

Application, how dealt with.

(4) The only objection that may be taken to any such application shall be that the proposed premises are not suitable for a club, or the objection set out in paragraph (g) of section 93.

What objections may be taken.

(5) If the premises of a club are by fire, tempest, or other calamity, or by dilapidations, or by reason that such premises are being repaired or rebuilt, rendered unfit for the purposes thereof, the club may, without application to the Bench, remove to other premises under its existing certificate for any period not extending beyond the currency of the certificate. Notice of such removal and of the reason therefor shall be forthwith given by the secretary, steward, or manager to the clerk of the Bench.

**104.** In

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Exemption of residential and athletic clubs.

Cf. N.S.W., No. 46 of 1906, s. 77.

**104.** In the case of a club established before the first day of January one thousand nine hundred, which is—

- (a) Used *bonâ fide* and mainly for residential purposes, or
- (b) Used mainly for the purpose of playing any athletic game or sport approved by the Governor and carried on during the day time in the open air

the Governor may, by Proclamation, exempt such club and any building used in connection therewith from any of the provisions of this Act other than sections 83 to 103: Provided that the Governor may at any time, by Proclamation, cancel such exemption, if he considers that such club should no longer be so exempted.

Punishment for false statement in notice or declaration.

**105.** Any secretary, steward, or manager of a club, or any person purporting to be secretary, steward, or manager of a club, who makes any untrue statement in any notice or declaration under the provisions of this Division, knowing the same to be untrue, shall be liable to be imprisoned for any term not exceeding twelve months, with or without hard labor.

Application of other provisions of Act.

**106.** For the purposes of the provisions of this Act, other than this Division—

- (a) Registrations of clubs shall be deemed to be a class of licences under this Act;
- (b) The registration of a club shall be deemed to be a licence under this Act;
- (c) The secretary, steward, or manager named in the certificate of registration of a club or in such notice as mentioned in section 99 shall be deemed to be the person licensed in respect of the premises of such club or the holder of the licence thereof; and
- (d) The premises of a registered club shall be deemed to be the licensed premises of the secretary, steward, or manager, or the premises in respect of which he is licensed or holds a licence:

Provided that Division IX. of this Part shall not apply to any club registered under this Act.

## DIVISION XII.

## DIVISION XII.—LICENCES AT RENMARK.

Licences for premises at Renmark.

Act 540, 1891, s. 40.

Act 666, 1896, s. 47.

**107.** (1) No licence shall be granted in respect of any previously unlicensed premises situated in that portion of the said State which is comprised and described in "The Chaffey Brothers Irrigation Works Act, 1887," and in the schedule thereto, unless—

- (a) The Governor has consented to the grant of such licence; and

(b) A

Rearranged.



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(b) A petition has been presented to the Bench for the Licensing District within which the said premises are situated, signed by not less than a majority of the electors resident within the said portion of the said State, praying that such licence be granted; and

1. Setting forth the purposes to which any profits of the business to be carried on under the said licence are intended to be applied;
- II. Nominating the first members of the Committee in this section after mentioned; and
- III. Stating the mode of appointing subsequent members of such Committee.

(2) Upon the presentation of such petition, and upon being satisfied that the Governor has consented as aforesaid, the Bench may in their discretion grant such licence upon the following conditions, but not otherwise, namely:—

(a) That arrangements be made for the said business being vested in and managed by a committee in trust to carry on the said business, and to apply the profits thereof for the purposes set out in the petition:

(b) That the said purposes be approved by the Treasurer.

(3) Upon such arrangements being made to the satisfaction of the Treasurer, and upon such purposes being approved by him, the Treasurer may issue the said licence.

(4) The Treasurer may from time to time entirely or partially <sup>New.</sup> change or vary the purposes to which the profits of the said business shall be applied, and upon receiving notice in writing of such change or variation the Committee shall, until receipt of notice of further change or variation, use any profits not already applied and any future profits accordingly: Provided that the Treasurer shall not make any such change or variation except upon petition setting forth the proposed change or variation and signed by two-thirds at least of the electors resident within the said portion of the said State.

(5) A licence granted and issued as provided by this section may be <sup>New.</sup> renewed or transferred, or be removed to other premises situated in the said portion of the said State, upon the Bench being satisfied that the Committee is at the time fully constituted, and that the business is being properly managed by the Committee, and that the profits (if any) are being applied for the purposes for the time being in force in respect thereof: Provided that notwithstanding anything in this section, such renewal, transfer, or removal shall be entirely at the discretion of the Bench.

(6) The provisions of subsections (4) and (5) of this section shall <sup>New.</sup> apply to all licences granted in respect of premises situated in the said portion of the said State, whether granted before or after the passing of this Act, and whether such premises were licensed or not at the time of the passing of this Act, and to the businesses carried on under such licences.

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## PART IV.

## PART IV.

RIGHTS, DUTIES, AND LIABILITIES OF LICENSEES  
AND OTHERS, AND OFFENCES.

Penalty on Justices  
interested adjudicating.

Act 191, 1880, s. 73.

**108.** Any Justice disqualified by section 9 of this Act from being a member of a Bench, or from adjudicating on the hearing of any information, complaint, appeal, or matter under this Act, who becomes a member of a Bench, or adjudicates on such hearing, shall be guilty of an offence against this Act, and shall, for every such offence, forfeit and pay the sum of One Hundred Pounds, with full costs of suit, which may be sued for and recovered by action of debt in any Court of competent jurisdiction by anyone who will sue for the same.

Names to be kept up  
and also lighted  
lamps.

Ibid, s. 75.

Altered.

**109.** Every person holding a publican's licence shall keep his Christian and surnames and the words "Licensed Dealer in Wines and Spirits," and every person holding a wine licence shall keep his Christian and surnames and the words "Licensed Dealer in Colonial Wines," legibly painted, in letters not less than three inches in length, on some conspicuous part of the front of his licensed house; and every person holding a publican's licence shall have a lamp fixed in front of such house, and either opposite to or over the principal or entrance door thereof, and at a distance of not less than seven feet from the ground (such lamp, unless electricity, gas, or mineral oil is used therein, to contain at least two burners), and shall keep such lamp well cleaned and trimmed, and, if situate within a corporate town, alight continuously from sunset during such time as he is authorised to keep such house open for the sale of liquor, or, if not situate within any corporate town, alight from sunset to sunrise throughout the year; and any person failing to observe any of the provisions of this section shall be liable to a penalty of not less than Ten Shillings nor more than Ten Pounds for every offence: Provided that—

(a) No person holding a publican's licence shall be liable to a penalty by reason of his lamp having ceased to be alight after eleven o'clock at night, unless he has been called upon by some person to and has neglected to relight the same:

Governor may make  
regulations respecting  
lamps, on recommen-  
dation of Marine  
Board or similar  
authority.

(b) The Governor may, upon the recommendation in writing of the Marine Board, or of any body to which the powers of such Board are hereafter transferred, make regulations respecting the lamps required to be kept by licensed persons residing near the sea-coast; and upon such regulations being published in the *Gazette* and notice thereof being given to any licensed person affected thereby, such person shall forthwith make such alterations as are necessary to comply with such regulations, and such compliance shall free and discharge the licensed person acting under the authority thereof from any penalties to which he might otherwise be liable in respect of any lamp; but any licensed person failing to comply with such regulations within

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within a reasonable time after such notice shall be liable to a penalty of not less than Ten Shillings nor more than Ten Pounds for every night or part of a night during which he so fails.

## PART IV.

**110.** (1) No licensee shall sell or supply liquor in more than one bar-room in or upon his licensed premises, or shall have more than one bar-room in or upon such premises, unless he has obtained the permission of the Bench so to do. But the provisions of this subsection shall not apply to any person holding a publican's licence at the time of the passing of this Act, until the expiration of six months from such time.

Only one bar-room, except by permission of Bench.

N.S.W. 40, 1905, s. 21.

Vic. 1111, 1890, s. 142, 2068 1906, s. 85.

For the purposes of this section, a room divided into compartments by wooden partitions, if approved by the Bench, shall be one room if there are doors in the partition giving at all times direct access from one such compartment to the other.

(2) Every applicant for such permission shall, with the notice of his application, deposit with the clerk of the Bench a plan showing the position of each proposed additional bar-room for which he has not at the time such permission. Notice of application for such permission may be in the form of Schedule U hereto.

Application.

(3) A fee of Five Pounds shall be paid annually, with and in addition to the fee payable for the licence, in respect of every additional bar-room for which such permission is granted.

Fee.

(4) No such additional bar-room shall be deemed to form any part of the accommodation required by this Act to be provided in any licensed premises.

Additional bar not part of accommodation.

(5) No licensee shall let or sublet any bar-room or the right to sell liquor on his licensed premises.

Subletting bar.

(6) (a) Any licensee on whose licensed premises any liquor is sold or supplied in more than one bar-room, or on whose licensed premises there is more than one bar-room, except as permitted under the provisions of this Act, and after payment of the fees hereinbefore required to be paid, and any licensee who lets or sublets any bar-room or the right to sell any liquor on his licensed premises shall be liable to a penalty for a first offence of not less than Five nor more than Twenty Pounds, and for every subsequent offence of not less than Twenty Pounds:

Penalty.

Vic. 1111, 1890, s. 142.

(b) A separate offence shall be deemed to be committed upon every day upon which, contrary to this section, liquor is sold or supplied, or a bar-room exists, or liquor is sold by any person to whom any bar-room or the right to sell liquor is let or sublet:

(c) A separate offence shall be deemed to be committed in respect of every bar-room in which liquor is sold, or which exists contrary to the provisions of this section.

**111.** If

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## PART IV

Corpses not to be refused under a penalty.

Act 191, 1880, s. 77 (portion).

Exception, N.S.W. Act 18, 1898, s. 100.

**111.** If any person holding a publican's licence refuses to receive any corpse which is brought to his licensed premises for the purpose of a coroner's inquest being held thereon (the licensed premises not being within two miles of a police station), such licensed person shall be liable to a penalty of not less than One Pound nor more than Twenty Pounds: Provided that nothing herein contained shall make it compulsory upon any licensed person to receive a corpse in an offensive state of decomposition, or the corpse of a person reasonably supposed to have died of an infectious disease.

Stranger's goods not to be liable to the rent of licensed houses.

Ibid, s. 78

Justices may order restoration of goods.

And award costs.

**112.** No *boná fide* property of any traveller, guest, or inmate of any premises, in respect of which a publican's licence has been granted under this Act, or of any person who has entrusted such traveller, guest, or inmate therewith, and being in or on such premises or any part thereof, or in or on any place used or occupied therewith, shall be liable to be distrained or seized for or in respect of the rent of such premises or place; and if such property is so distrained or seized, any Special Magistrate or two Justices may inquire into any complaint made in respect of such seizure or distress in a summary manner, and order such property to be restored, and award reasonable costs to the complainant, and may levy such costs by distress and sale of the goods or effects of the person so distraining or seizing as aforesaid; but nothing herein contained shall extend to deprive licensed persons of their lien on any such property for their own lawful demands.

Tippling clause.

Ibid, s. 79.

Altered.

**113.** No person holding a publican's or wine licence shall recover any debt or demand for or on account of any liquor, unless such debt has been *boná fide* contracted at one time to the amount of Twenty Shillings or upwards; nor shall any debt for liquor be recovered where the value of the liquor actually delivered at one time does not amount to Twenty Shillings, notwithstanding such debt or any part thereof has been secured or agreed to be paid, unless—

- (1) A written order for the same is proved to have been given by the purchaser before the liquor or wine was delivered; or
- (2) It is clearly shown that the purchaser was then resident in the licensed premises; or
- (3) That the purchaser was when such liquor was supplied a *boná fide* traveller within the meaning of section 158 or section 162 hereof:

N.S.W., 18, 1898, s. 56.

Provided that any person who at the time of being supplied with liquor, on demand of payment made by such holder or by his servant or agent, refuses to pay a reasonable sum therefor shall be deemed a rogue and vagabond, and shall be liable to be dealt with as such under the enactments relating to rogues and vagabonds.

**114.** If

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**114.** If any person holding a publican's or wine licence takes or receives in payment or as a pledge, for any liquor or entertainment supplied in or from the licensed premises, anything except coin commonly current, or the note or notes of some known bank or banker, or a cheque or order on some known bank or banker, or a money order or orders, or takes any such note, cheque, or order at less than the full nominal value thereof, he shall forfeit and pay for every such offence a penalty of not less than Ten Pounds nor more than Fifty Pounds.

Penalty on licensed persons taking pledges, &c., or payment in anything except coin or bank notes, &c.

Ibid, s. 80.

**115.** (1) No person licensed under this Act shall permit or suffer any person—

Penalty for allowing unlawful games, betting, &c., or presence of disorderly persons.

Ibid, s. 74.

Act 666, 1896, s. 43, altered.

Cf. N.Z. 42, 1904, s. 44.

(a) To exercise or play any unlawful game or sport; or

(b) To bet or suffer to bet by way of wagering or gaming; or

(c) To get up or take part in any sweepstake; or

(d) To exercise, expose, open, or show to be played, thrown, or drawn at any lottery; or

(e) To play any game on Sunday—

on his licensed premises or the appurtenances thereof.

(2) No person licensed under this Act shall permit or suffer reputed prostitutes or thieves or drunken or disorderly persons to be on his licensed premises or the appurtenances thereof.

(3) Any licensed person who offends against any provision of this section shall be liable to a penalty for the first offence of not less than Five Pounds, and for every subsequent offence of not less than Ten Pounds nor more than Fifty Pounds.

(4) If any person does, on any licensed premises or the appurtenances thereof, any of the things which by subsection (1) hereof a licensed person is forbidden to permit or suffer, or if there are on any licensed premises or the appurtenances thereof any reputed prostitutes or thieves, or drunken or disorderly persons, the doing of such thing or the presence of such persons shall respectively be deemed *prima facie* evidence that such licensed person permitted or suffered the doing of such thing, or permitted or suffered such reputed prostitutes or thieves or drunken or disorderly persons so to be present with the knowledge that they were prostitutes, thieves, or drunken or disorderly persons (as the case may be).

Presumption of knowledge.

Vic. Act 1111, 1890, s. 121.

**116.** (1) Any person holding a licence under this Act may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is a reputed prostitute or thief, or any person who is drunken, violent, quarrelsome, or disorderly, or any person whose presence on the premises would or might subject the holder of the licence to a penalty under this Act.

Power to exclude or expel certain persons from licensed premises.

35 & 36, Vict., c. 94 s. 18.

(2) Any

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(2) Any such person who, upon being requested in pursuance or this section by the holder of the licence, or his agent or servant, of any member of the Police Force or an inspector, to quit the premises, refuses or fails so to do, shall be liable in respect of each offence to a penalty not exceeding Five Pounds: and all members of the Police Force are required, on the demand of the holder of the licence, or his agent or servant, to expel or assist in expelling every such person from the premises, and may use such force as is required for that purpose.

Permitting drunkenness or riotous conduct on premises

35 & 36 Vic., c. 94, s. 13.

2 Edw. VII., c. 28, s. 4.

N.S.W. Act 40, 1905, s. 12.

**117.** (1) If any person holding a licence under this Act permits drunkenness, or any indecent, violent, quarrelsome, or riotous conduct to take place on his licensed premises or the appurtenances thereof he shall be liable to a penalty for the first offence of not less than Five Pounds, and for every subsequent offence of not less than Ten Pounds nor more than Fifty Pounds.

(2) Where any person is charged under this section with permitting drunkenness on his licensed premises or the appurtenances thereof, and it is proved that any person was drunk on such premises or appurtenances, it shall lie on the person so charged to prove that he and the persons employed by him took all reasonable steps to prevent drunkenness on such premises and appurtenances.

Licensees drunk on premises liable to penalty.

Ibid, s. 85, altered.

**118.** Any person holding a licence under this Act who is found drunk in any part of his licensed premises or the appurtenances thereof to which the public have access shall be liable to a penalty of not less than Five Pounds nor more than Twenty Pounds.

Theatrical performances, music, or dancing not to take place without permission.

Act 260 of 1882.

Act 191, 1880, s. 86, altered.

**119.** Notwithstanding the provisions of the Places of Public Entertainment Act, or any amendment thereof, no portion of any premises in respect of which a publican's or wine licence is current, or of the appurtenances thereof, or of any premises adjoining such licensed premises or appurtenances, shall be used as a theatre, concert-room, or ball-room, for public entertainment, or be licensed as a place of public entertainment, without the written permission, in the form of Schedule V. hereto, of two Justices, one of whom shall be the commissioner, superintendent, or an inspector or sub-inspector of police; and any person who uses or permits to be used any portion of any premises in respect of which such a licence is current, or of the appurtenances thereof, or of any premises adjoining such licensed premises or appurtenances, in contravention of this section, or at any hour not authorised by such permission, shall be liable to a penalty for the first offence of not less than Five Pounds, and for every subsequent offence of not less than Ten Pounds nor more than Fifty Pounds. Every person obtaining any such permission shall pay a fee of Five Shillings to the commissioner, superintendent, or inspector or sub-inspector of police on the issuing thereof, and no such permission shall

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shall extend over a longer period than one month: Provided that this section shall not apply to licensed premises or the appurtenances thereof or adjoining premises situate within a municipality, town, or township wherein there is no theatre, town hall, assembly-room, concert-room, or other building suitable for use as a theatre, concert-room, or ball-room for public entertainment, nor to licensed premises or the appurtenances thereof or adjoining premises not situated within a municipality, town, or township.

**120.** (1) Every person holding a publican's or wine licence under this Act shall cause sections 141, 142, 145, and 146 to be printed or fairly written in large, legible, permanent, and conspicuous characters, and affixed in one of the most public parts of every bar-room, in his licensed premises, or, in the case of a wine licence, in one of the most public parts of his licensed premises, and keep the same so affixed, and fair and legible.

Clauses to be set up in bar-room.

*Ibid.*, s. 89.

(2) Any person failing to comply with the requirements of this section shall be liable to a penalty of Forty Shillings, and to a further penalty of Ten Shillings for every day during which the said clauses or any of them are not kept affixed, and fair, and legible as aforesaid.

**121.** (1) No person holding a publican's or wine licence, whose licensed premises are in any city or town within the said State, shall have or keep any retail store or shop on account of himself, or of any other person, which, by door, window, or in any other manner internally communicates or admits of a communication with the licensed premises or any part thereof, or which communicates or admits of communication with such licensed premises externally, save by a separate public outer door or entrance thereto.

Retail stores not to be kept together with public-houses and wine-houses in towns.

*Ibid.*, s. 90.

(2) Any person offending against the provisions of this section shall be liable to a penalty of not more than Five Pounds for every day during which such store or shop is kept as aforesaid.

(3) This section shall not extend to confectioners' shops, or refreshment-rooms, had or kept by the holder of a wine licence, and forming part of his licensed premises.

**122.** (1) No person holding a publican's or wine licence shall use or keep open, or permit to be used or kept open, any communication, by door, window, passage, or in any other manner (save by a separate public outer door or entrance), between his licensed premises or any part thereof, and any retail store, shop, eating-house, or refreshment-rooms.

No communication for supply of liquor to be kept open between public-houses or wine-houses and stores or eating-houses.

*Ibid.*, s. 91.

(2) Any person offending against the provisions of this section shall be liable to a penalty of not more than Five Pounds for every day during or upon which such communication is, or is permitted to be, used or kept open as aforesaid.

**123.** If

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Persons who have forfeited or been refused licences not to be employed as managers, &c.

*Ibid*, s. 92.

**123.** If any person holding a publican's or wine licence knowingly employs or permits any person who has forfeited or been deprived of a licence as being personally unfit or incompetent to hold the same under this or any of the Acts hereby repealed, or who, from misconduct or bad character, has been refused a certificate to entitle him to receive a licence to be employed as an overseer or as a manager or superintendent of any licensed premises, or, however called or designated, to appear or act in that capacity, or in any way that may induce customers or the public to believe that he is an overseer or a manager or a superintendent of the same, then and in such case the said licensed person shall be liable to a penalty of not less than Two Pounds nor more than Twenty Pounds.

Licensed persons not to share profits with nor entrust management of house to unlicensed or unauthorised person.

*Ibid*, s. 93.

**124.** If any person holding a publican's or wine licence admits any unlicensed person as or to be his partner, or directly or indirectly permits an unlicensed person to participate in the profits of the business of his licensed premises, or directly or indirectly agrees with any unlicensed person to let him have any interest whatever in such premises, or the profits thereof, or remunerates or suffers any unlicensed person to be remunerated for, or in any manner agrees that he shall be remunerated for any services, or on any account, in proportion to the profits of the business carried on in such premises or to the quantity of liquors sold or retailed in or from the said premises, or abandons the occupation of such licensed premises as his place of residence, and permits any person not duly authorised to manage, superintend, or conduct the business of such premises, or, whether residing in such premises or not, permits any unlicensed or unauthorised person to appear to the public as, or to become virtually or in effect, the keeper of the said premises, then, and in any or either of the said cases, upon proof of the fact to the satisfaction of any Bench, Special Magistrate, or two Justices, the licence of the said premises for the then current year shall be declared by them to be and the same shall thereupon become and be absolutely void, or, at the discretion of the Bench or the convicting Special Magistrate or Justices, such licensed person shall forfeit and pay for such offence a penalty of not less than Five Pounds nor more than One Hundred Pounds: Provided that this clause shall not extend to prohibit a *bona fide* agreement between the holder of a wine licence and the keeper of a confectioner's shop or refreshment-room for the carrying on of their respective trades in partnership on one and the same licensed premises.

Exception.

Penalty on master of vessel not forwarding certificate or fee.

Act 191, 1880, s. 106 adapted.

**125.** If any master or commander of any steamer or other vessel (in respect of which a packet licence has not been granted or is not subsisting) who has obtained permission to sell liquor on such steamer or other vessel fails or neglects to forward one of the certificates for such permission, together with the fee of One Pound to the Commissioner of Police, in manner and at the time by this Act provided, he shall for every such failure or neglect be liable to a penalty not exceeding Ten Pounds

**126.** All



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**126.** All liquor sold under the authority of this Act, in a quantity not less than half a pint shall, if required by the purchaser, be measured and delivered according to imperial standard measures, and shall, upon demand by the person receiving the same, be remeasured for his satisfaction in the same premises and in the same measures, or any other standard measures he procures, but not if the liquors have been taken to any other room of or away from the licensed premises, or have been partly consumed before a remeasurement is demanded. On failure to measure or remeasure as aforesaid the licensed person shall, for every offence, be liable to a penalty of not more than Five Pounds.

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Liquors to be sold according to standard measure.

*Ibid*, s. 107.

**127.** No wine licence shall authorise any person to sell any liquid containing more than thirty-five per centum of proof spirit, or containing any noxious drug, chemical, or other thing; and any person who sells any liquid in contravention of this section shall be liable to pay a penalty of not less than Ten Pounds and not exceeding Fifty Pounds, or to be imprisoned for any period not exceeding six months, with or without hard labor, and, in either case, to have his licence forfeited.

Penalty on holder of wine licence selling liquids containing over 35 per cent. of spirit.

*Ibid*, s. 108, altered.

**128.** (a) Every person who mixes or causes or permits to be mixed with any liquor sold, or offered or exposed for sale by him, any deleterious ingredient, or who sells, or offers, or exposes, or has for sale any adulterated liquor, or liquor containing any ingredient deleterious to health, or has on any premises where liquor is sold or exposed for sale any substance, matter, or thing of a deleterious character, which it may be reasonably inferred is kept for the purpose of adulterating or mixing with liquor, shall be liable for the first offence to a penalty of not less than Twenty Pounds nor more than Fifty Pounds, or to imprisonment for any term not exceeding three months, with or without hard labor; and for the second or any subsequent offence, to a penalty of not less than Fifty Pounds nor more than One Hundred Pounds, or to imprisonment for any term not exceeding six months, with or without hard labor, and also to be declared disqualified perpetually from applying for or obtaining a licence or a renewal, or a transfer of a licence under this Act.

Adulterated liquor not to be sold.

*Ibid*, s. 109.

(b) In order to obtain an analysis of any such liquor, substance, matter, or thing, it shall be lawful for any Justice, on information on oath made to him that there is reason to believe that any such liquor is adulterated, or contains any deleterious ingredient as aforesaid, or that any such substance, matter, or thing of a deleterious character is to be found upon any premises, to authorise the seizure of such suspected liquor, substance, matter, or thing, and cause the same, or a sample thereof, to be analysed by some competent person, and to order the forfeiture of the whole of the kind of liquor analysed and found to be adulterated or to contain any deleterious ingredient, and also of any substance, matter, or thing of a deleterious character found in the possession or on the premises of the person offending.

(c) The

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(c) The expense of and attending such seizure, analysis and forfeiture shall be a portion of the costs which such Justice shall have power to order to be paid by any person convicted under this section.

(d) In every proceeding under this section proof of the fact that any liquor was adulterated, or contained any deleterious ingredient, or that any substance, matter, or thing of a deleterious character was found upon the premises shall be *prima facie* evidence that the person in whose possession the same was found, or who at the time occupied the premises whereon the same was found, did sell, or offer, or expose, or have for sale such liquor, or that such substance, matter, or thing of a deleterious character was kept for adulterating or mixing with liquor.

(e) No person shall be liable to a penalty under this section if he satisfies the Justice that such liquor was when seized in the same condition as it was when it came into his possession by a *bona fide* purchase, and was not adulterated or mixed with any deleterious ingredient by him or any person acting under his authority or in his employ, and that such substance, matter, or thing was not kept for adulterating or mixing with liquor.

Closing of houses  
against riot.

Ibid, s. 112.

**129.** Any Justice, if any riot or tumult happens, or is expected to take place, may order or direct that any person licensed under this Act, and keeping any house where such riot or tumult happens, or is expected to take place, shall close his house for any time which the said Justice so orders or directs; and any person who does not obey such order or direction of such Justice shall be liable to a penalty of not exceeding Twenty Pounds.

Penalty for evasion  
of provisions disallow-  
ing consumption of  
liquor on premises  
under certain classes  
of licences.

Act 191, 1880, s. 111.

**130.** If any person holding a storekeeper's, storekeeper's Australian wine, brewer's colonial ale, or distiller's storekeeper's licence, with intent to evade the provisions of this Act, takes, or carries, or authorises, employs, permits, or suffers any person to take or carry any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit, or of being drunk or consumed in any other premises whatever belonging to or hired, used, or occupied by such licensed person, such liquor shall be deemed and taken to have been drunk or consumed upon the licensed premises of such licensed person, and he shall for every such offence be liable to a penalty of not less than Five Pounds or more than Twenty Pounds

Persons drinking in  
the house or store of  
persons holding cer-  
tain licences, or of  
vignerons, liable to  
penalty, and may be  
apprehended.

Ibid, s. 120.

**131.** If any person who has purchased any liquor from any person holding a storekeeper's, storekeeper's Australian wine, brewer's colonial ale, or distiller's storekeeper's licence, or from the occupier of a vineyard or orchard, drinks such liquor, or opens any bottle or other vessel containing such liquor, in or about the house, or on the premises described in the licence granted to such holder, or on the premises of such occupier, he shall be liable to a penalty of not less

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less than Twenty Shillings nor more than Five Pounds, and every person so offending may be apprehended without warrant by any member of the Police Force.

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**132.** If any person holding a storekeeper's, wine, storekeeper's Australian wine, brewer's colonial ale, or distiller's storekeeper's licence, sells or retails any liquor, except according to the tenor of and as authorised by his licence, he shall for each offence be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds.

Penalty for selling liquor otherwise than as authorised by licence.

*Ibid*, s. 114.

**133.** Subject to section 65 hereof, if any master or commander of any steamer or other vessel not having a packet licence, or any of the officers or crew of such steamer or other vessel, directly or indirectly sells, or permits to be sold, within the said State, any liquor in any quantity, or if he or any such officers or crew does so contrary to the terms of and not as authorised by a licence held by such master or commander, then such master, commander, officer, or member of the crew shall for every such offence be liable to a penalty of not less than Two Pounds nor more than Twenty Pounds. And every sale of liquor on board such vessel in the circumstances aforesaid shall be deemed to be a sale by the master or commander until the contrary is proved.

Penalty on master or commander of vessel for retailing without licence.

*Ibid*, s. 116, altered.

N.S.W. Act 18, 1898, s. 17.

**134.** If any unlicensed person, except as allowed by this Act, directly or indirectly sells, or permits to be sold, at one time to one person, any liquor in a quantity less than five imperial gallons, he shall for every such offence be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds, or to be imprisoned for any period not exceeding four months.

Penalty for retailing less than five imperial gallons without a licence.

Act 191, 1880, s. 118, altered.

**135.** If any unlicensed person—

Attempt to evade last section.

- (1) Gives away or delivers any liquor to any person, under the pretence of such person being a customer for other things, or under any pretence whatever; or
- (2) Sells or delivers to any person any liquor in a quantity equal to or more than five imperial gallons, with an understanding that part thereof shall be returned, and the quantity so sold or delivered, after deducting the part returned or to be returned, is or will then be under five imperial gallons—

*Ibid*, s. 139, altered.

Such unlicensed person shall be deemed a retailer of the liquor so given away, or sold, or delivered, and shall be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds, or to be imprisoned for any period not exceeding four months.

**136.** The Special Magistrate or Justices sitting at or on the hearing of any information under this Act for retailing without a licence may determine the fact of retailing according to the circumstances

Justices may determine what is retailing.

*Ibid*, s. 140.

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circumstances of or attending each and every particular case, without direct evidence of money or value having been given for the liquor alleged to have been sold or retailed, or of any particular person having himself so sold or retailed.

Mead, wine, cider, or  
perry not to be  
carried about for sale.  
Ibid, s. 119.

**137.** No person shall carry about for sale any mead, wine, cider, or perry unless he is the actual owner or occupier of a vineyard or orchard, or a servant in the actual and *bonâ fide* employ of such owner or occupier, and unless such mead, wine, cider, or perry is the produce of the vineyard or orchard of, and was actually manufactured by, such owner or occupier; and no such owner or occupier shall carry about for sale any mead, wine, cider, or perry except within the limits of a Municipality or District Council. Any person offending against this section shall, for every such offence, be liable to a penalty not exceeding Ten Pounds.

Liquor carried about  
or exposed for sale  
may be seized.  
Ibid, s. 130, altered

**138.** Any Justice or any member of the Police Force, or any Inspector, may seize and take away, or cause to be seized and taken away, all such liquors as he has reasonable cause to suspect to be carried about or exposed for sale in any place whatever, by any person not licensed or authorised to sell the same there, and the vessels containing the same, and all the vessels and utensils used for drinking or measuring the same, and any carriage, wagon, cart, dray, barrow, or other means of conveyance, and any horse or other animal employed in drawing or carrying the same, or used or reasonably suspected to be used in the conveyance of such liquor as aforesaid; and any person who carries about or exposes for sale any liquor without a licence shall, upon conviction before any Justice, be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds, or to be imprisoned for any period not exceeding four months, and such Justice may adjudge such liquor, vessels, and utensils containing the same, and any such carriage, wagon, cart, dray, barrow, or other means of conveyance, and any such horse, or other animal as aforesaid to be forfeited, and may order and direct the same to be sold, and the proceeds thereof, after deducting the expenses of sale, shall be appropriated in the same manner as fines and penalties are by this Act directed to be appropriated.

Penalty for keeping  
billiard-tables, &c.,  
except under the  
authority of a licence.  
Ibid, s. 122.

**139.** Any person who keeps, sets up, or maintains any billiard, bagatelle, or billiard-bagatelle table for hire, or as a means of gain or profit, without a billiard-table licence, and any person holding a billiard-table licence who permits or allows any billiard, bagatelle, or billiard-bagatelle table on his licensed premises to be used otherwise than during the days and hours authorised, or otherwise than in accordance with the authority conferred by such licence, shall be liable to a penalty for a first offence of not less than Two Pounds nor more than Ten Pounds, and for a second and every subsequent offence of not less than Ten Pounds nor more than Fifty Pounds.

**140.** It

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**140.** It shall not be lawful for any person to bring on board any of His Majesty's ships or vessels any spirituous or fermented liquor of any description, without the previous consent of the officer commanding such ship or vessel; and it shall be lawful for any officer in His Majesty's Service, or warrant or petty officer of the Navy, or non-commissioned officer of marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching, or which has hovered about or approached, any of His Majesty's ships or vessels, and if any spirituous or fermented liquor is found on board such boat or vessel to seize such spirituous or fermented liquor, and the same shall be forfeited to His Majesty; and any person who brings any spirituous or fermented liquor on board any of His Majesty's ships or vessels without such previous consent as aforesaid, or approaches or hovers about any of His Majesty's ships or vessels for the purpose of bringing any spirituous or fermented liquor on board the same, without such previous consent, or for the purpose of giving, or selling without such previous consent, spirituous or fermented liquor to men in His Majesty's Service, shall be liable to a penalty not exceeding Ten Pounds for every such offence; and it shall be lawful for any officer in His Majesty's Service, or any such warrant or petty officer or non-commissioned officer as aforesaid, or for any member of the Police Force with or without any warrant or other process, to apprehend, or cause to be apprehended, any such offender or person so acting, and to bring him, or cause him to be brought, before a Special Magistrate or two Justices, for the purpose of having him summarily tried for the same.

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Spirituous or fermented liquors not to be brought on board His Majesty's ships without the commander's consent.

Act 540, 1891, s. 33.

Penalty on offenders.

*Persons not to be Supplied.*

**141.** Any person who sells, gives, or supplies, or permits to be sold, given, or supplied, any liquor to any aboriginal native of Australia, or half-caste of that race, shall be liable to a penalty of not less than Five Pounds nor more than Twenty-five Pounds for every such offence.

Liquor not to be supplied to aborigines.

Ibid, s. 81.

**142.** (1) Any person holding a licence under this Act in respect of any premises, or any person in the employ of such person, who sells or supplies or permits to be sold or supplied—

(a) Any liquor to any person under the age of eighteen years, for the purpose of being drunk by such person; or

(b) Any liquor to any person under the age of sixteen years,

shall be liable for each such offence to a penalty of not less than Five Pounds nor more than Ten Pounds.

Liquor not to be supplied to be drunk by person under eighteen, nor to be supplied to person under sixteen years of age.

Ibid, s. 82.

Act 666, 1896, s. 39.

Altered.

N.S.W. Act 18, 1898,

s. 48.

Vic. Act 1111, 1890,

s. 130.

(2) In any proceedings for any offence against this section it shall be presumed, until the contrary is proved, that any liquor sold or supplied to any person is sold or supplied for the purpose of being drunk by such person.

Presumption in case of supply.

New.

(3) It shall be a sufficient defence in any proceedings under this section for selling or supplying liquor to a person under the age of eighteen

Defence of apparent age.

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Cf. Act 358, 1885,  
s. 4.

eighteen years for the purpose of being drunk by such person to prove that the person charged had reasonable cause to believe that the person to whom the liquor was sold or supplied was of or over the age of eighteen years, provided that such last-mentioned person was not under the age of sixteen years.

Penalty on sending  
child for liquor.

Act 636, 1896, s. 40.  
Altered.

**143.** Any person who sends or causes to be sent any person under the age of sixteen years to any licensed premises for the purpose of procuring any liquor, or causes any person under the age of sixteen years to enter or be in any bar-room in any licensed premises for any purpose, shall be liable to a penalty of not less than Five Pounds nor more than Ten Pounds.

Person under sixteen  
not allowed in  
bar-room.

N.S.W. Act 40, 1905,  
s. 10.

3 Edw. VII., c. 25.

**144.** If any person under the age of sixteen years other than a child of the licensee is for any purpose in any bar-room of any licensed premises, the licensee of such premises shall forthwith remove or cause to be removed such person from such bar-room; and no licensee shall employ any person under the age of eighteen years to sell, supply, or serve liquor in any bar-room, excepting a child of the licensee. Any licensee who fails to comply with this section shall be liable to a penalty of not less than One Pound nor more than Five Pounds.

Liquor not to be  
supplied to persons in  
a state of intoxication.

Act 191, 1880, s. 83.

**145.** Any person holding a licence under this Act, or any person in his employ, who supplies, or permits to be supplied, any liquor to any person in a state of intoxication shall be liable for the first offence to a penalty of not less than Five Pounds; and for every subsequent offence to a penalty of not less than Ten Pounds nor more than Forty Pounds.

Penalty for supplying  
liquor to police  
on duty.

Ibid, s. 84.

**146.** Any person holding a licence under this Act, or any person in his employ, who supplies, or permits to be supplied, any liquor to any member of the Police Force whilst on duty, except when such member of the Police Force is a *bonâ fide* traveller within the meaning of section 158 or section 162 hereof, shall, for every such offence, be liable to a penalty not exceeding Five Pounds.

Order may be obtained  
forbidding supply of  
liquor to drunkards.

Ibid, s. 87.

**147.** (1) Upon information in writing, made to any Special Magistrate or Justice of the Peace, that any person, by the habitual or excessive use of liquor, wastes his means, or injures or is likely to injure his health, or endangers or interrupts the peace, welfare, or happiness of his family, such Magistrate or Justice shall issue his summons, calling upon such person to appear at a time and place to be therein named, and show cause why an order should not be made forbidding all persons to supply him with liquor. At the time and place named in such summons, any Special Magistrate or two Justices of the Peace may investigate the matters contained in such information and hear the evidence adduced in support thereof, and also the evidence (if any) of the person informed against, and of any witnesses called on his behalf; and may adjourn such investigation from time to time, and may, upon proof to his or their satisfaction  
of

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of the facts alleged in such information, make an order forbidding all persons whomsoever to supply the person named in such order with liquor, or to permit him to be within any licensed premises for the period of twelve months from the date thereof.

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(2) Any person whosoever who, during the currency of any such order, supplies the person named therein with liquor, and any person holding a publican's or wine licence under this Act who permits the person named in any such order to loiter about or frequent his licensed premises, shall be liable for the first offence to a penalty of not exceeding Five Pounds, and for the second offence to a penalty of not less than Ten Pounds, and for any subsequent offence to a penalty of not less than Twenty Pounds.

Penalty for supplying such drunkards with liquor.

*Ibid*, s. 88.

(3) All proceedings under subsection (1) of this section shall be heard with closed doors.

**148.** (1) If any person by the habitual or excessive use of liquor wastes his means, or injures, or is likely to injure his health or endangers or interrupts the peace, welfare, or happiness of his family, either parent of such person or any guardian of such person if under the age of twenty-one years, or the wife or husband, or any son, daughter, brother or sister not under the age of twenty-one years of such person, or a friend (not being under the age of twenty-one years) of any son, daughter, brother, or sister under the age of twenty-one years of such person, may by a notice in writing (hereinafter called a "caveat") signed by such parent, guardian, wife, husband, friend, or son, daughter, brother or sister (hereinafter called "the caveator"), and delivered to the holder of any licence under this Act, warn such holder not to supply liquor to such person (hereinafter called "the subject of the caveat").

Warning against supplying liquor.

New.

(2) If after any holder of a licence has been so warned, and before such notice has been withdrawn by writing signed by the caveator and delivered to such holder, he or his servant or employé supplies the subject of the caveat with any liquor, he or such servant or employé shall be liable for the first offence to a penalty of not exceeding Five Pounds, and for the second and every subsequent offence to a penalty of not less than Five Pounds nor more than Ten Pounds.

(3) Upon information in writing, made to any Special Magistrate or Justice of the Peace by the subject of the caveat that there is no reason why a caveat should be in force concerning him, such Magistrate or Justice shall issue his summons calling upon the caveator to appear at a time and place therein named and show cause why the caveat should not be removed. At the time and place named in such summons any Special Magistrate or two Justices of the Peace may investigate the matter contained in such information and hear the evidence adduced in support thereof, and also the evidence (if any) of the caveator and of any witnesses called by the caveator, and may adjourn such investigation from time to time; and if satisfied that the subject of the caveat did not prior to the delivery

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delivery of the caveat, or will not if the caveat is removed, by the habitual or excessive use of liquor waste his means, or injure or endanger his health, or injure or endanger the health, or welfare, or happiness of his family or of any member of his family, such Special Magistrate or Justices may make an order removing the caveat, and thereupon such caveat shall cease to have any force or effect as to anything done after such order.

(4) If upon making such order removing a caveat the Special Magistrate or Justices are satisfied that the caveat was delivered frivolously or maliciously they may order that the caveator pay to the subject of the caveat such damages and costs of the information and hearing as they deem reasonable.

(5) Upon the death of the caveator, or if the caveator has been absent from the said State for a period of not less than six months, the caveat shall have no force or effect as to anything done after such death or after the expiration of such period, as the case may be.

*Employment of Barmaids.*

Females not to be employed in sale of liquor unless registered barmaids.

Cf. Transvaal Ordinance, 32, 1902, s. 50 (1).

**149.** (1) After the thirty-first day of March, one thousand nine hundred and nine, no holder of a publican's licence, wine licence, or registration of a club shall allow any female, other than his wife or daughter, to sell, supply, or serve any liquor at, in, or about any bar-room, unless such female at the time of such sale, supply, or serving is registered as a barmaid as provided in this Act, in the register of barmaids for the district in which such bar-room is situated; and any licensee acting in contravention of this section shall be liable for a first offence to a penalty of not less than Two Pounds and not more than Ten Pounds, and for any subsequent offence to a penalty of not less than Five Pounds and not more than Twenty-five Pounds.

(2) In any proceedings under this section, unless the contrary is proved to the satisfaction of the Special Magistrate or Justices, any female being at, in, or about any bar-room shall be deemed—

- (a) To be allowed by the defendant to sell, supply, or serve (as the case may be) liquor thereat or therein; and
- (b) Not to be registered as a barmaid if on demand of any member of the Police Force or any inspector she fails to produce within a reasonable time a certificate of such registration.

(3) Nothing in this section shall prevent any female who is the holder of a licence or her daughter or step-daughter from selling, supplying, or serving liquor in the premises in respect of which she holds such licence.

(4) For the purposes of this section and section 153, "bar-room" means any bar, bar-room, bar-parlor, shop, or other room or place used exclusively or mainly for the sale, supply, serving, or consumption of liquor.

**150.** (1) The



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## PART IV.

## Register of barmaids.

**150.** (1) The clerk of the Bench for each Licensing District shall compile a register of barmaids for such district.

(2) The persons entitled to be registered in such register are all persons who were employed as barmaids in licensed premises within the district for not less than three months during the year immediately preceding the passing of this Act, and (subject to subsection (7) hereof) no other person. New.

(3) The clerk shall enter in such register the name of every person who he is satisfied, upon information supplied by an inspector, or by a member of the Police Force of or above the rank of sub-inspector, is entitled to be registered therein.

(4) The clerk shall produce such register at the first Annual Meeting of the Bench held after the passing of this Act, and at the Quarterly Meeting next thereafter.

(5) At such Annual or Quarterly Meeting, or any adjournment thereof respectively, any person may apply to the Bench to be registered in such register, and if satisfied that such person is not already so registered, and is entitled under subsection (2) hereof to be so registered, the Bench shall cause her name to be entered in the register. But, subject to subsection (7) hereof, no name shall be entered in the register after such Quarterly Meeting or adjournment thereof.

(6) At or as soon as practicable after such Annual or Quarterly Meeting (as the case may be) the chairman of the Bench shall cause a certificate of registration signed by him to be issued to every person so registered. Such certificate shall be in the form in Schedule W hereto or to the like effect. If satisfied that the original of any such certificate has been accidentally destroyed, obliterated, or lost, the chairman may cause a duplicate thereof to be issued upon payment of a fee of Five Shillings.

(7) Any person who is registered in the register of barmaids for any district shall also be entitled to be registered in the register of barmaids for any other district, upon producing to the clerk of the Bench for such other district the certificate of her registration in the first-mentioned district. As soon as practicable after being registered under this subsection, a barmaid shall be entitled to a certificate of such registration signed by the Chairman of the Bench for such other district.

**151.** (1) The clerk of the Bench for each district shall keep the register of barmaids for such district in the office of such Bench. Register to be kept by clerk of Bench.

(2) Any person upon payment of a fee of One Shilling, and any member of any Bench or of the Police Force and any inspector without fee, may inspect such register and take copies of any entry therein. New.

**152.** Any person who--

(a) By fraud or misrepresentation obtains or attempts to obtain registration in any register of barmaids in which she is not Fraud, &c., in connection with registration.  
New.

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not entitled to be registered, or obtains or attempts to obtain a duplicate of any certificate of registration as a barmaid ; or

(b) Forges or falsifies any entry in any register of barmaids or any certificate of registration as a barmaid ; or

(c) Falsely represents herself to be registered as a barmaid, or to be any person who is so registered,

shall be liable to a penalty of not exceeding Twenty Pounds.

Unregistered person acting as barmaid.

New.

**153.** (1) Any female not being registered as a barmaid in the register of barmaids for a Licensing District who sells, supplies, or serves liquor in any bar-room within such district shall be liable for the first offence to a penalty not exceeding Five Pounds, and for any subsequent offence to a penalty of not less than Five Pounds and not exceeding Twenty Pounds.

(2) This section shall not apply to the female licensee, or the wife of the male licensee, or the daughter or stepdaughter of the male or female licensee of the premises in which the bar-room exists.

Female not to be employed in bar-room after eleven p.m.

New.

**154.** (1) No female, other than the licensee or the wife or daughter of the licensee, shall be required or permitted or suffered to sell, supply, or serve liquor at, in, or about any bar-room (as defined in section 149) in any premises licensed under this Act after the hour of eleven o'clock in the evening of any day

(2) The licensee of any premises in which any female is employed contrary to this section shall be liable to a penalty for a first offence of not less than Five Pounds nor more than Ten Pounds, and for any subsequent offence of not less than Ten Pounds nor more than Twenty Pounds.

*Times of Selling.*

Times when premises may not be open nor liquor sold.

**155.** (1) Subject as hereinafter mentioned, no licensed person shall keep his licensed premises open for the sale of liquor, or shall sell or supply any liquor, or shall permit any liquor to be consumed on his licensed premises—

(a) Upon any Sunday or Good Friday:

N.S.W. Act 40, 1905, s. 16.

(b) Upon any Christmas Day after the hour of two o'clock in the afternoon:

Act 191, 1880, s. 94, 110 (altered).

Act 540, 1891, s. 36.

Act 666, 1896, s. 36.

Ibid.

(c) Upon any other day except between the hours of five in the morning and eleven at night: Provided that any licensed person may clear and close and lock his licensed premises at ten o'clock in the evening, and keep them closed and locked until six o'clock in the morning:

Proviso relating to lodgers, &c., and travellers.

(2) Provided that nothing in this section shall relate to the sale or supply to or consumption of liquor by the licensee, any member of his family living or staying on the premises, any servant of the licensee living or staying on the premises, any *bonâ fide* lodger, or any

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any *bonâ fide* traveller (which persons are in this Act called “excepted persons”), if the liquor is not drunk in any bar-room on the licensee’s premises.

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“Excepted persons”  
defined.

(3) Every licensee who offends against any provision of this section shall be liable to a penalty for the first offence of not less than Five Pounds, and for the second and every subsequent offence of not less than Ten Pounds, and for the third offence his licence, whether forfeitable or not under any other provision of this Act, shall be absolutely forfeited.

Penalty.

(4) If any door or other entrance by which admission can be gained to any bar-room on the licensed premises, whether from outside or inside the premises, is open or unlocked during any day or time during which the sale of liquor is prohibited by law, except for the purpose of supplying an excepted person, the licensee of the premises shall be deemed to have committed an offence against this section. Until the contrary is proved, it shall be presumed that any door or entrance so open or unlocked was not open or unlocked for the purpose of supplying an excepted person.

Bar to be kept shut  
and locked during  
prohibited times.

Act 540, 1891, s. 36,  
Act 666, 1896, s. 38.  
Altered.

(5) If any door or other entrance by which admission can be gained to any bar-room on the licensed premises, whether from outside or inside the premises, is open or unlocked during any day or time during which the sale of liquor is prohibited by law, except for the purpose of supplying an excepted person, or if any person other than the licensed person or his servant is in such bar-room, or any light is therein, during any such day or time, it shall be deemed and taken to be *primâ facie* evidence of a sale of liquor on the licensed premises during such day or time.

Evidence of supply  
during prohibited  
hours.

Act 540, 1891,  
s. 36.  
Act 666, 1896, s. 38.

(6) The presence on the licensed premises during any day or time during which the sale of liquor is prohibited by law of two or more persons other than excepted persons shall be *primâ facie* evidence of a sale of liquor having taken place during such day or time.

Vic. Act, 2068, 1906,  
s. 78 (2).

**156.** Subject to section 162, no person holding a publican’s or wine licence shall be compelled to open his premises during any hour on Sunday.

Closed on Sundays.

**157.** If in any proceedings against the holder of a licence for infringing the provisions of the next preceding section such holder (hereinafter called “the defendant”) fails to prove that the person to whom the liquor was sold or supplied (hereinafter called “the purchaser”) was a *bonâ fide* traveller, but the Special Magistrate or Justices hearing the case (hereinafter called “the Court”) are satisfied that the defendant took all reasonable precautions to ascertain whether or not the purchaser was a *bonâ fide* traveller, and that he believed the purchaser was a *bonâ fide* traveller, the Court shall dismiss the case as against the defendant; and if the Court thinks that the purchaser falsely represented himself to be a *bonâ fide* traveller, the Court shall direct proceedings to be instituted against the purchaser under section 160 of this Act.

As to *bonâ fide*  
travellers.

N.S.W. Act, 18,  
1893, s. 64.

Vic. Act, 2068, 1906,  
s. 78.

Act 540, 1891, s. 36.

**158.** Subject

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## PART IV.

Definition of *bonâ fide* traveller.

N.S.W. 18, 1898, s. 64, altered.

**158.** Subject to the provisions of section 162 hereof, no person shall for the purposes of this Act be deemed a *bonâ fide* traveller unless he resides at least five miles distant from the place where he demands or attempts to be or is supplied with liquor, and has travelled at least five miles within the twenty-four hours next preceding the time when he demands or attempts to be or is supplied with liquor, such distance to be calculated by the shortest practicable route along or over any public highway or thoroughfare, or by or across any part or arm of the sea, or any lake, inlet, river, stream, or creek between the place of starting and of supply or demand or attempt to be supplied.

Definition of *bonâ fide* lodger.

Act 666, 1896, s. 37, adapted.

**159.** No person shall for the purposes of this Act be deemed to be a *bonâ fide* lodger in licensed premises unless—

- (a) He is a regular boarder in the premises ; or
- (b) He lodged therein on the night immediately preceding the day whereon an offence is alleged to have been committed ; or
- (c) If the offence is alleged to have been committed between any hour of any night and six o'clock in the following morning, he lodged therein on the night immediately preceding that night.

Evasion of exemption in favor of travellers.

N.S.W. 18, 1898, s. 65.

Vict. Act 2068, 1906, s. 82, adapted.

**160.** No person representing himself to be a *bonâ fide* traveller within the meaning of section 158 of this Act shall be entitled on that ground to be supplied with liquor during any day or time during which the sale of liquor is prohibited by law ; but if he is supplied with liquor he shall, on demand made by the person who supplies the same, state his true name and address and the place from which he has travelled during the preceding twenty-four hours. And if any person requiring or attempting to be supplied with liquor during such day or time does not on the demand of the person whom he requires to supply the liquor or by whom he attempts to be supplied therewith, whether liquor is supplied to him or not, give his true name and address, and the true place from which he has travelled during the preceding twenty-four hours, or gives a false or fictitious name or address, or other than the true place from which he has travelled during the preceding twenty-four hours, he shall be liable for a first offence to a penalty of not less than One Pound, and for every subsequent offence to a penalty of not less than Ten Pounds.

Evasion of law as to sale, &c., of liquor on premises.

N.S.W. 18, 1898, s. 66.

Vict. 2068, 1906, s. 83.

Act 191, 1880, s. 111 adapted.

**161.** In any proceedings under this Act against the holder of a licence for selling or supplying or permitting the sale or supply of liquor, or the drinking or consumption of liquor on his premises, it shall be no defence to prove that such holder himself took, or carried, or employed, or authorised or suffered any other person to take or carry such liquor out of or from such premises for the purpose of being sold or supplied for such holder's benefit or profit, or on his account, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind

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kind whatsoever, belonging to or hired or used or in the occupation of such holder, or in any public place or public thoroughfare; but in all such cases such liquor shall be deemed to have been sold or supplied by such holder on his licensed premises, and to have been drunk or consumed by the purchasers thereof or the persons to whom supplied on the premises of such holder, and with his privity and consent.

## PART IV.

**162.** (1) No holder of a publican's licence shall, if there is accommodation available in his house, refuse to receive any *bonâ fide* traveller as a guest into his house, or to supply him with food or lodging, or to receive his horse or horses, or to supply any such horse with sufficient provender, whether the owner lodges in his house or not, unless such traveller is intoxicated or is a known disreputable person. And every such holder offending against this section shall, for each such offence, be liable to a penalty not exceeding Five Pounds.

Penalty on refusal to receive travellers.

N.S.W. 18, 1898, s. 67.

(2) For the purposes of this section no person shall be deemed a *bonâ fide* traveller unless he resides at least five miles from the licensed premises where he requires to be received as a guest, or to be supplied with food or lodging, or to have his horse or horses received or supplied with provender, or to be supplied with food or other accommodation, and has travelled at least five miles on the day when he so requires to be received or supplied, or to have his horse or horses received or supplied.

Definition of *bonâ fide* traveller within this section.

Ibid.

**163.** Any person who by falsely representing himself to be a *bonâ fide* traveller or a *bonâ fide* lodger within the meaning of section 158 or section 159 hereof buys, or obtains, or attempts to buy or obtain at any licensed premises any liquor during any day or time during which the sale of liquor is prohibited by law shall be liable for a first offence to a penalty of not less than Five Pounds, and for every subsequent offence to a penalty of not less than Ten Pounds.

Penalty for false representation.

Ibid and Vict. Act 1111, 1890, s. 135.

Act 191, 1880, s. 97.

**164.** (1) Any person other than an excepted person who purchases or obtains or attempts to purchase or obtain liquor, or is found drinking liquor in any licensed premises during any day or time during which the sale of liquor is prohibited by law, shall for the first offence be liable to a penalty of not less than Five Pounds, and for the second and every subsequent offence of not less than Ten Pounds, and for the third and every subsequent offence to be imprisoned for not more than four weeks.

Penalty for persons purchasing or found drinking liquor on premises during prohibited time.

N.S.W. 40, 1905, s. 17 (1).

Vict. 2068, 1906, s. 76 (1).

35 and 36 Vict., c. 94, s. 25.

Acts 191, 1860, s. 97, 666, 1896, s. 36

(2) Any person other than an excepted person who is present on any licensed premises during any day or time during which the sale of liquor is prohibited by law shall be liable for every such offence to a penalty of not less than Two Pounds, unless he satisfies the Special Magistrate or Justices that his presence on such premises on such day or at such time was not for the purpose of purchasing or obtaining, or attempting to purchase or obtain, liquor.

Penalty for persons present on premises during prohibited time.

N.S.W. 18, 1898, s. 17 (2).

Vict. 2068, 1906, s. 76 (2).

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## PART IV.

Persons present on premises presumed not to be excepted persons. Vict. 2103, 1907, s. 11.

Penalty for carrying liquor from licensed premises during prohibited times. Vict. 2068, 1906, s. 81.

No child under sixteen to be convicted if ordered to convey liquor.

Ibid

**165.** In any proceeding for an offence against section 155 or section 164 of this Act, any person present in the licensed premises shall, until the contrary is proved, be deemed not to be an excepted person.

**166.** (1) If any person, whether an excepted person or not, carries away liquor in any vessel from any licensed premises during any day or any time during which the sale of liquor is prohibited by law, he shall be liable to a penalty not exceeding Two Pounds.

(2) No child under the age of sixteen years shall be convicted of an offence against this section if it is proved to the satisfaction of the Special Magistrate or Justices that such child was ordered or requested by some other person to obtain or carry liquor as aforesaid.

(3) Any member of the Police Force or inspector may without any warrant stop and detain any person seen coming out of any licensed premises during any day or any time during which the sale of liquor is prohibited by law, and may search such person and seize and carry away any vessel found in his possession and which the person so seizing has reasonable cause to believe contains liquor.

(4) Any person who resists or obstructs any member of the Police Force or inspector in the exercise of his powers under this section shall, in addition to any other penalty, be liable to a penalty of not less than Two Pounds.

Liquid presumed to be liquor. N.S.W. 40, 1905, s. 18. Every sale a separate offence. Vict. 2068, 1906, s. 84 (1).

**167.** In any proceedings for an offence against any of the provisions of this Act—

(a) Any liquid shall, until the contrary is proved, be deemed to be liquor; and

(b) Every separate sale or supplying shall be a separate offence.

Powers of police with respect to persons on licensed premises at prohibited times.

N.S.W. 18, 1898, s. 19.

35 and 36, Vict. c. 94, s. 25. Act 666, 1896, s. 38.

**168.** (1) Any member of the Police Force or inspector may demand from any person found on or seen coming out of any licensed premises during any day or time during which the sale of liquor is prohibited by law the name and address of such person, and if he has reasonable ground to suppose that the name or address so given is false, may require such person to produce evidence of the correctness of the name or address given by such person.

(2) If any such person, on demand being made as aforesaid, refuses or neglects to give such name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, such member of the Police Force or inspector may without any warrant apprehend such person forthwith, and shall bring him before any Special Magistrate or two Justices as soon as practicable to be dealt with according to law.

(3) Every such person who, on demand being made as aforesaid, refuses or neglects to give his name or address, or fails, without reasonable cause, to produce any such evidence as aforesaid, or gives

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a false name or address, or produces false evidence with respect to such name or address, shall be liable for every such offence to a penalty not less than Two Pounds.

(4) Every licensee upon whose licensed premises any person is so found shall be liable to a penalty not less than Two Pounds, unless he proves to the satisfaction of the Special Magistrate or Justices hearing the case that such person was on such premises for a lawful purpose

(5) If any person is on licensed premises for the purpose of drinking, or obtaining possession or custody of, or carrying away liquor previously bought or supplied or given to him or any other person, this shall not be deemed a lawful purpose within the meaning of this section.

*Inspection and Search of Licensed Premises.*

**169.** The Governor may from time to time appoint one or more inspector or inspectors of licensed premises for any Licensing District under this Act.

Appointment of  
Inspectors.  
Act 191, 1880, s. 125.

**170.** It shall be the duty of every such Inspector to ascertain by personal inspection the mode in which the licensed premises situated within the Licensing District to which he is appointed are conducted and managed, and the state, condition, nature, and extent of accommodation of such premises and to keep a record of all convictions against all licensees of such premises, and also to see that the provisions of this Act are duly observed and followed by every person holding a licence thereunder, and also to attend the annual and quarterly meetings of the Bench of such district, and to report upon all or any of the licensed premises situated therein, with regard to the conduct and management of the same, and of the business carried on therein, and to the accommodation thereof. And such Inspector may (subject to the provisions of section 46 hereof) object to any application for the granting of new licences, or the renewal, removal, or transfer of existing licences.

Duties of Inspectors.  
Ibid, s. 126, altered.

**171.** Every Inspector may at any time—

1. Enter the premises of, or any premises occupied or used by, any person (in this section referred to as the vendor) selling, or keeping, or offering, or exposing for sale any liquor:
11. Search such premises for the purpose of ascertaining whether the vendor has in or upon such premises any substance, matter, or thing of a deleterious character which it may reasonably be inferred is kept for the purpose of adulterating or mixing with the liquor sold, or kept, or offered, or exposed for sale, or has for sale any adulterated liquor, or liquor containing any deleterious ingredient, or any liquor whatever not authorised to be sold by the licence (if any) held by him.

Powers of Inspectors  
to search for and seize  
suspected liquor.

Ibid, s. 127.

**III. Seize**

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- III. Seize and take away any liquor whatsoever which he has reasonable grounds for believing to be adulterated, or to contain any deleterious ingredient, or to be not authorised to be sold as aforesaid, or to be unfit for human beings to drink, and also any substance, matter, or thing which he has reasonable grounds for believing to be of a deleterious character, and which he discovers on the premises of the vendor:
- IV. Either on such premises or elsewhere, submit any liquor, substance, matter, or thing seized, or any sample thereof, to any test or analysis which he considers necessary for determining whether such liquor is adulterated, or contains any deleterious ingredient, or is authorised to be sold by such licence as aforesaid, or is fit for human beings to drink, or whether such substance, matter, or thing is of a deleterious character:

And every person upon whose premises, or upon the premises occupied or used by whom, any adulterated liquor, or liquor containing any injurious ingredient, or unfit for human beings to drink, or not authorised by such licence as aforesaid to be sold, or any substance, matter, or thing of a deleterious character, which it may reasonably be inferred is kept for the purpose of adulterating or mixing with the liquor sold, or kept, or offered, or exposed for sale, is found (of all which several matters the fact of such liquor, substance, matter, or thing being found on such premises shall be *prima facie* evidence) shall be liable to the like penalties, imprisonment, and disqualification as are hereinbefore provided for under section 128 of this Act; and all liquor of the like kind to that seized, and all substances, matters, and things of a deleterious character found upon the premises shall be confiscated upon the order of the convicting Magistrate or Justices: Provided always that—

- (a) No Inspector shall enter any private room in the actual use or occupation of any *bona fide* lodger, or of any person holding a licence under this Act, unless he has first given reasonable notice of his intention to such lodger or licensed person, or, in case of the absence of either of them, to the person appearing to have charge of the licensed premises, or unless he has the assent of such lodger or licensed person, or of the person appearing to be in charge of such premises as aforesaid:
- (b) The Inspector shall if requested by the vendor at the time of seizure, in his presence, set aside in a separate vessel or vessels, for analysis, a sample of the liquor, substance, matter, or thing seized, and shall annex to every such vessel the name and address of the vendor, and shall, with such seal or seals (if any) as the vendor furnishes, secure such vessel, name, and address, in such manner that the vessel cannot be opened, or the name and address taken off, without



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without breaking such seal or seals; and shall also, if thereunto required, leave with the vendor a vessel containing a corresponding sample, and the name and address of the vendor secured thereto by such Inspector, with his own seal, in manner aforesaid:

- (c) No evidence of the analysis of the sample so sealed shall be receivable on the hearing of any information under this section, unless, previous to the opening of the vessel containing such sample, reasonable notice has been given by the Inspector to the vendor or by the vendor to the Inspector (as the case may require) of the time and place at which it is intended to open such sample for analysis, in order that the vendor or Inspector may, if he thinks fit, attend and inspect the condition of the seals attached to such vessel.

**172.** (1) The holder of a publican's licence shall at all times keep the licensed premises in good repair and sufficiently well furnished for the accommodation of travellers and other persons using the same, and every part thereof thoroughly cleansed and disinfected.

Licensed premises to be kept in repair and clean.

Vict. Act 1111, 1890, s. 133, altered.

(2) Upon failing to put the said premises into such repair, or to have them so furnished as aforesaid, or have the same or any part thereof so cleansed or disinfected as aforesaid, within such time as mentioned in any notice in that behalf delivered to him by any Inspector, the holder of such licence shall be liable to a penalty of not exceeding Five Pounds.

Notice by Inspector.

(3) The Special Magistrate or Justices before whom such holder is convicted under this section, or the Bench, after such conviction, may direct the licensed premises to be closed until such notice is complied with; and thereafter and until such Inspector has signified by notice in writing delivered to such holder that he is satisfied with the state of the premises, or until the Special Magistrate or Justices who made such direction, or the Bench, directs that the said premises may be re-opened, the said premises shall for all purposes under this Act be regarded as unlicensed and such holder as not licensed in respect thereof.

**173.** Any person who refuses to permit any Inspector to make any search, or who hinders or delays any such search, or who obstructs or hinders any Inspector in the performance of any of his duties under this Act, or the execution of any of the powers by this Act vested in or conferred upon him, shall for every such offence be liable to a penalty of not less than Ten Pounds nor more than One Hundred Pounds, or to be imprisoned for any period not exceeding six months, with or without hard labor.

Penalty on obstructing Inspectors.

Act 191, 1880, s. 128.

**174.** Any

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Authority of Inspectors and proof of appointment.

Vict. Act 2068, 1906, s. 63.

Justices and other authorised persons may enter licensed premises.

Act 191, 1880, s. 129, altered.

**174.** Any Inspector without further or other authority than this Act may execute the duties of his office in any and every Licensing District in the said State, and it shall not be necessary for any Inspector in any proceedings to prove his appointment as such Inspector.

**175.** (1) Any Inspector, Justice, or officer of the Police Force of rank not lower than Sub-Inspector, or any constable authorised in writing by any such officer of the Police Force, may demand entrance at any time into any licensed premises, or any bar-room or other part thereof, or any appurtenances thereof, or any premises adjoining and occupied with such licensed premises or appurtenances, at any time, by day or night, and if admittance is refused or delayed for such time as makes it appear that wilful delay was intended, the licensee and any person to whom such demand was made shall be liable to a penalty for the first offence of not less than Five Pounds and not exceeding Twenty Pounds, and for any subsequent offence of not less than Ten Pounds and not exceeding Thirty Pounds: Provided that if such admittance is refused or delayed for such time as last aforesaid, such Inspector, Justice, officer, or constable may break into and employ force to enter such licensed premises, bar-room or other part, or appurtenances or other premises as aforesaid, and, notwithstanding such breaking into and entry, the licensee and the person to whom such demand was made shall be liable to such penalty as aforesaid.

(2) The authority of a constable, referred to in subsection (1) of this section, may be limited to one or more specified occasions, or one or more specified localities, or one or more specified premises, or may authorise such constable to act generally as in the subsection mentioned without limitation as to occasion, locality, or premises, or may be limited in any manner deemed proper by the officer giving such authority.

Unlicensed houses, wherein liquors are suspected to be retailed, may be searched.

Ibid, s. 131, altered

**176.** Upon information in writing, and on oath being made before any Justice, by any constable, inspector, or credible person, that he suspects or has reason to believe that any liquor is habitually sold or retailed in any unlicensed house or place described in such information, or in any licensed premises described in such information other than, or otherwise than is authorised by the licence thereof (such constable, Inspector, or other person in such information setting forth the grounds of such suspicion or belief), it shall be lawful for such or any other Justice, in his discretion, to grant his warrant to any constable or constables to enter and search such house or place or licensed premises by day or by night, and the said constable or constables may break open the doors thereof, if not opened within a reasonable time after demand, and may seize all such liquor as he or they find there, and also the vessel or vessels containing the same, and detain what is so seized until the owner thereof or the licensee of such licensed premises appears before a Special Magistrate or two Justices to claim such liquor, and satisfies such Magistrate or Justices how or for what purpose he came possessed of the same; and if the owner or such licensee does not appear before such

Magistrate

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Magistrate or Justices within seven days, or if he does so appear, and it appears to the said Magistrate or Justices, after examination, that such liquor was in the said house or place or licensed premises for the purpose of being illegally disposed of, then such Magistrate or Justices shall adjudge the same and also the said vessel or vessels containing the same to be confiscated, and the same shall be forthwith sold, and one half of the net proceeds thereof paid to the use of His Majesty, and the other half to the party informing; otherwise the property so seized shall be restored to the owner thereof or such licensee.

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Liquor found may be  
confiscated and sold.

## PART V

## PART V.

## LIMITATION OF NUMBER OF LICENCES.

## DIVISION I.—LOCAL OPTION POLLS.

## DIVISION I.

**177.** Each Electoral District for the House of Assembly is hereby constituted a Local Option District, and each Electoral District may, by Proclamation of the Governor, be divided into such Local Option Districts as are deemed convenient: Provided that—

Local Option  
Districts.

Act 666, 1896, s. 23.

Act 846, 1904, s. 3,  
altered.

- (a) Every Local Option District constituted before the passing of “The Constitution Act Amendment Act, 1901,” or of this Act, whether so constituted by Act of Parliament or by Proclamation of the Governor, shall be deemed, notwithstanding the passing of that Act or of this Act, to have continued or to continue to be a Local Option District:

Act 897, 1905, s. 11.

- (b) Until the Local Option Districts constituted by this Act or as in this section before mentioned are altered, each such district shall bear the same name as such district bears at the date of the passing of this Act, and when any districts are altered the new districts shall bear the names given to them by Proclamation in the *Gazette*.

**178.** (1) A quorum of electors in any Local Option District (hereafter in this Division of this Part called “the Local Option District”) may, within six calendar months of the day of the then next general election, cause a local option petition (hereafter in such Division called “the petition”) praying that a local option poll be taken within the Local Option District to be presented to the Governor. The petition may be in the form provided in Schedule X hereof.

Poll may be petitioned  
for.

Act 666, 1896, s. 24.

Act 897, 1905, s. 4.

(2) For the purpose of this section “electors” means electors as defined in section 4 of this Act who reside within the Local Option District, and a “quorum” consists of five hundred of such electors, or one-tenth of the total number of such electors, whichever is the smaller number.

Ibid., s. 3.

Act 666, 1890, s. 26.

(3) The petition shall be deemed to be duly presented if delivered at the Minister’s office to the Minister, or to the Secretary or Acting Secretary to the Minister.

New.

**179.** Within

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DIVISION I.Proof of validity of  
petition.Act 897, 1905, s. 4  
(2), altered.

**179.** Within seven days after the presentation of the petition, or as soon thereafter as is practicable, the Minister shall cause the petition to be referred to the Returning Officer for the Electoral District for the House of Assembly which constitutes the Local Option District or in which the Local Option District is situate (in this Division of this Part called "the Returning Officer"), who shall examine the same and the signatures thereto; and if the Returning Officer is of opinion that the petition has been duly and properly signed, he shall certify to the Minister in writing that it has been so signed, and such certificate of the Returning Officer shall be published by the Minister in the *Gazette*, and the *Gazette* containing such certificate shall be conclusive evidence that the petition is valid and has been duly presented.

Poll to be taken  
Ibid., s. 5 (1).

**180.** (1) The Governor shall, after the petition has been presented and upon receipt of the *Gazette* containing the certificate mentioned in the next preceding section, by Order in Council, direct the Returning Officer to cause a poll of the electors in the Local Option District to be taken on the day fixed for the poll at the then next general election, and at the polling-places within such Local Option District at which the poll at such election is taken: Provided that if no poll is taken at such election within such Local Option District, then the local option poll shall be taken at the polling-places for the House of Assembly elections situated within such Local Option District: And provided that when such election is held within a period of one and a half years after the last preceding local option poll, no such poll shall be taken at such election, but a local option poll shall be taken on the day fixed for the poll at the next succeeding general election, not being within such period of one and a half years.

(2) After the publication of the Returning Officer's certificate as provided by section 179, the Governor may, by Order in Council, prohibit the granting of licences for previously unlicensed premises in the Local Option District until such poll has been taken, and the declaration of the determination of the electors referred to in section 187 has been made.

Who may vote.  
Act 666, 1896, s. 25,  
altered.

Act 897, 1905, s. 3½

New.

**181.** (1) The persons entitled to vote in any Local Option District at a local option poll are all the electors as defined in section 4 of this Act who reside in such district: Provided that no elector who is not entitled to vote at an election for Members of the House of Assembly at some polling-place situate within such district shall vote at a local option poll taken therein unless he has obtained from the Returning Officer, or from the Returning Officer for the said State, a certificate in the form provided in Schedule X hereto, or to the like effect.

New.

(2) Upon producing and delivering such certificate to the presiding officer at any polling place within such Local Option District and making a declaration before such presiding officer in the form provided in Schedule X hereto, or to the like effect, such elector shall, if not otherwise disqualified, be allowed to vote at the last-mentioned polling-place.

(3) The

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(3) The said presiding officer shall retain all certificates produced to him, and all declarations made before him under the next preceding subsection, and forward them, and a list of them, with the ballot boxes to the Returning Officer, who shall file them in his office, or forward them to the Returning Officer for the said State. New

(4) Any person who wilfully and corruptly makes any false declaration under the provisions of this section is guilty of a misdemeanor, and shall be liable, upon conviction thereof, to be imprisoned for any term not exceeding two years, with hard labor. New.

(5) A declaration made under this section shall not be deemed to be a declaration within the meaning of the Second Schedule to "The Stamp Act Amendment Act, 1902." 789 of 1902.

**182.** The classes of licences to which this Part applies are the following, namely:—Publicans' licences, wine licences, storekeepers' Australian wine licences, storekeepers' licences, and registration of clubs. Licences to be dealt with.

**183.** (1) The resolutions to be submitted at a local option poll are the following:— Resolutions to be submitted at local option polls.

1. That the number of licences be reduced:
2. That the number of licences be not increased or reduced:
3. That the Licensing Bench may in their discretion increase the number of licences:

Ibid, sec. 5 (3).

The above resolutions are hereafter in this Part referred to as the first, second, and third resolutions respectively. Until altered by regulation the ballot paper may be in the form provided in that behalf in Schedule X hereto: Act 897, 1905.  
s. 5 (4).

(2) There shall not be separate ballot papers with reference to the separate classes of licences, but one ballot paper shall apply to all classes of licences, subject to the following explanation:—

(a) As to each class of licence of which there are not less than three licences current within the Local Option District at the date of the poll, the first resolution shall be taken to mean that the number of licences so current be reduced by one-third of such number: Provided that where such one-third is a mixed number the fraction shall be disregarded and the integer be deemed to be such one-third, and

(b) As to each class of licence of which there are less than three licences or no licence so current, the first resolution shall be taken as equivalent to the second resolution. Act 897, 1905.  
s. 5 (6).

(3) On the ballot-paper each resolution shall bear the number given to it in subsection (1) of this section.

**184.** Each elector may record only one vote on his ballot-paper, and such vote shall be counted as recorded in favor of the resolution in favor of which it purports to be given. How to vote.  
Ibid, s. 5 (5).

**185.** The

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DIVISION I.

Effect of vote.

Ibid, s. 5 (7).

**185.** The following provisions shall obtain in regard to the votes recorded at a local option poll :—

- (a) If the votes recorded in favor of the first resolution constitute a majority of the valid votes recorded at the poll, the first resolution shall be adopted :
- (b) If the votes recorded in favor of the first resolution do not constitute a majority of the valid votes recorded at the poll, the votes recorded in favor of the first resolution shall be added to the votes recorded in favor of the second resolution :
- (c) If the sum of the votes thus found constitutes a majority of the valid votes recorded at the poll, then the second resolution shall be adopted :
- (d) If the sum of the votes thus found does not constitute a majority of the valid votes recorded at the poll, then the third resolution shall be adopted.

Electoral rolls to be deemed correct.

Act 897, 1905, s. 5(8).

**186.** For the purpose of a local option poll the electoral rolls in force at the time of the poll shall be accepted as correct, and their correctness shall not be inquired into by any Court, Bench, tribunal, or person whatsoever.

Declaration of determination of electors.

Ibid, s. 5 (10).

**187.** The Returning Officer, at the conclusion of a local option poll, shall proceed to count the votes recorded thereat for the various resolutions voted upon, and shall as soon as practicable, by advertisement in the *Gazette*, declare the determination of the electors at the poll, and the *Gazette* containing such advertisement shall be conclusive evidence that the poll has been validly held and duly taken, that the votes have been correctly counted, and that such determination has been correctly ascertained and duly declared. Such declaration may be in the form provided in that behalf in Schedule X hereto.

Scrutineers may be appointed.

Ibid, s. 5 (9).

Adapted.

**188.** The Governor may make regulations to provide for the appointment of not more than ten scrutineers to act at each polling-place at a local option poll, and every scrutineer so appointed shall, so far as is consistent with this Act, have the same rights and powers as are conferred upon scrutineers by "The Electoral Code, 1896," or any Act amending or substituted for the said Code: Provided that such regulations shall contain provisions which will enable holders of each class of licences which may be affected by such poll to appoint one of such scrutineers, and provisions which will enable those who are in favor of reducing the number of any class or classes of such licences to appoint one of such scrutineers for each of such classes of licences; and shall also contain provisions which will enable the appointment of scrutineers to act on each side in respect of classes of licences of which there are no licences current; and provided also that until such regulations are made the regulations numbered 8 to 13 inclusive in Schedule X hereto shall apply to the appointment of scrutineers.

189. (1) All

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**189.** (1) All local option polls shall be taken by ballot.

(2) Such polls shall be taken in the manner prescribed by the regulations as to polls in Schedule X hereto, but the Governor may, by Proclamation, repeal, alter, or amend such regulations, or any of them, and make regulations prescribing the mode in which such polls are to be taken in substitution for, or in addition to, the regulations in such schedule.

**PART V.  
DIVISION II.**

Regulations as to  
mode of conducting  
local option polls.  
Act 666, 1896, s. 30.  
Act 897, 1905, s. 8.

**190.** No local option poll shall be held to be void on the ground of any error or omission in any matter of form or procedure, or for non-compliance with any such matter, or on any other ground whatsoever, unless such error, omission, non-compliance or other ground is proved to have affected the result of the poll. This section shall not be regarded as diminishing the effect of any of the provisions of this Part.

No poll to be  
invalid unless sub-  
stantial injustice  
done.

Cf. Electoral Code  
1896, s. 186.

**DIVISION II.—THE ENFORCING OF THE FIRST RESOLUTION.**

**DIVISION II.**

**191.** (1) If the first resolution is adopted at any local option poll in any Local Option District, a Special Bench shall be constituted for the purpose of effecting a reduction of the number of licences in such district in pursuance of the resolution so adopted at such poll.

Bench for giving  
effect to resolutions.  
N.S.W. 40, 1905,  
s. 70, adapted.

(2) Hereafter in this Division of this Part the local option poll at which such resolution was adopted is called "the poll," the Local Option District in which the poll was taken is called "the Local Option District," the Special Bench constituted for the purpose hereinbefore mentioned is called "the Special Bench," and the resolution so adopted is called "the resolution."

(3) The Special Bench shall consist of three members appointed by the Governor by Proclamation published in the *Gazette*. A Special Magistrate shall be appointed to be one of the members of the Special Bench, and to be President thereof. Such President is hereafter in this Division of this Part called "the President." No person shall be appointed a member of the Special Bench who is not either a member of a Licensing Bench, or qualified to be a member of a Licensing Bench.

(4) The members of the Special Bench shall be appointed within one month after the publication of the *Gazette* containing the Returning Officer's declaration of the determination of the electors at the poll: Provided that if any member or members are appointed at a later time, neither such appointment nor any proceedings of the Special Bench shall for that reason be invalid: Provided also that in the case of the death or resignation of any member another member may be appointed as aforesaid in his place.

(5) The President shall preside at all meetings of the Special Bench, and the Special Bench shall be duly constituted if the President and one other member are present.

(6) The President may appoint any person to be clerk to the Special Bench, and may appoint any other officers deemed by him necessary

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necessary for the performance of the functions of such Bench, and may discharge such clerk and other officers, and from time to time make any other such appointments.

Bench to meet as soon as convenient.

New.

**192.** The Special Bench shall meet for the purpose mentioned in the next preceding section as soon as convenient after their appointment, and not later than two months after the publication of the Proclamation appointing them: Provided that if for any reason they do not meet within the time herein mentioned they shall meet as soon thereafter as practicable, and that failure to meet within any particular time shall not affect the validity of their proceedings. The Special Bench may adjourn from time to time, and may sit at and adjourn to such place or places as they deem convenient.

Bench to be Court of Record.

N.S.W. 40, 1905, s. 71.

Power to administer oaths.

**193.** (1) The Special Bench shall be a Court of Record, with power to make all general and other rules necessary for the conduct of its business, and for the enforcing of its orders and adjudications.

(2) The President may take, administer, and cause to be taken and administered, oaths, declarations, and affirmations in any matter within the jurisdiction of the Special Bench.

Application of ss. 60 and 61.

(3) The provisions of sections 60 and 61 of this Act relating to a Licensing Bench and its proceedings, and to persons summoned to attend as witnesses or present at any hearing, shall apply respectively to the Special Bench and its proceedings, and to persons summoned to attend as witnesses before the Special Bench or present at any of its meetings.

(4) The Special Bench may obtain all such information as they deem convenient for the purposes of this Division of this Part by such means as they deem expedient, and may require any member of the Police Force, or any inspector, to make any inspections and reports of and upon any licensed premises.

Admittance to licensed premises by Bench or authorised person.

(5) Any member of the Special Bench, or any person authorised by it in writing, may enter and inspect any licensed premises at any time, by day or night.

If admittance to such premises is refused or delayed, after demand made by such member or person as aforesaid for such time as makes it appear that wilful delay was intended, the licensee of such premises, and every person who wilfully refuses or for such time as last aforesaid delays such admittance shall be liable to a penalty not exceeding Twenty Pounds.

The powers conferred upon any person by this subsection are in addition to any powers conferred upon such person or any other person by or under the provisions of section 175 hereof.

Determination of final Bench.

(6) The determination of the Special Bench for giving effect to the resolution shall be final and conclusive, and there shall be no appeal therefrom, and no other proceedings before or order by the Special Bench shall be appealed against, challenged, stayed, reversed, arrested



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arrested, removed, or avoided for any error or omission unless some substantial wrong appears to have been done, or some other miscarriage of justice appears to have been occasioned by reason of such error or omission.

No appeal against other proceedings except substantial wrong.  
N.S.W. 21, 1907, s. 9.

**194.** The Special Bench shall give effect to the resolution, as explained by subsection (2) of section 183, by determining which of the licences in each class in which a reduction is to be effected shall not be renewed after the expiration of the year for which they were granted.

How reduction to be effected.  
Act 666, 1896, s. 33.  
Act 897, 1905, s. 10 adapted.

**195.** (1) For the purpose of making their determination under the next preceding section (hereafter in this Division of this Part called "the determination") the Special Bench shall cause a classification to be made as hereinafter provided of the premises licensed under each class of licences in which a reduction is to be effected: Provided that no error in such classification shall invalidate the determination.

Procedure for determining what licences not to be renewed.  
N.S.W. Act 40, 1905, s. 72, adapted.

(2) The classification shall include licensed premises as to which the following conditions or any of them apply:—

Classification of premises.  
Ibid.

- (a) There have been within the three years next preceding the poll either two or more convictions for one of the offences for which a licence is liable to be forfeited under this Act, or one conviction for one and one conviction for another of such offences of the same or different licensees of the same premises:
- (b) There has been within the said three years a conviction of any licensee of the premises for any one of the said offences:
- (c) It is proved that the business in the premises is so badly conducted as to be a serious inconvenience to persons requiring accommodation or a nuisance to neighbors, or that the premises are insufficiently provided with proper sanitary conveniences.

(3) In making the determination the Special Bench shall—

Order of determining.  
Ibid.

- (a) Consider the convenience of the public and the requirements of the several localities in the Local Option District:
- (b) Subject to such consideration, determine in the first place that the licences of premises to which paragraph (a) of the next preceding subsection applies, or so many of such licences as are necessary for giving effect to the resolution as to the particular class of licences, and, in their absolute discretion, which of such licences, shall not be renewed; and if, after having so determined as to all the licences of premises to which paragraph (a) applies, the required reduction has not been provided for, shall deal

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deal in the same manner with those to which paragraph (b) of such subsection applies; and if the required reduction has not then been provided for, shall deal in the same manner with those to which paragraph (c) of such subsection applies.

(4) If, after giving effect to the provisions of this section relating to premises to which paragraphs (a), (b), and (c) of subsection (2) apply, the required reduction has not been provided for, the Special Bench shall determine, in their absolute discretion, which other licences shall not be renewed.

(5) Subject to the foregoing provisions of this section, the Special Bench in making the determination shall decide as in their absolute discretion they deem proper.

President's certificate.  
New.

(6) The President shall sign a certificate (hereinafter called "the President's certificate") setting forth the determination.

(7) The President's certificate shall be conclusive that the determination was properly and validly made, that all proceedings taken or required to be taken for making the same were duly taken, and that the determination is correctly stated therein.

Notice of first sitting  
to be sent to licensees.  
New.

**196.** (1) At least seven days before the first meeting of the Special Bench for the purpose mentioned in section 191 hereof, the President shall give notice in writing of such meeting to every person who holds a licence of any class in which a reduction is to be effected and whose licensed premises are situate within the Local Option District.

Persons interested  
may be heard.

N.S.W. Act 40, 1905,  
s. 72 (5).

(2) In any proceedings by the Special Bench under the next preceding section for—

(a) Classifying licensed premises, or—

(b) Making the determination,

any person who may be directly affected by the determination may appear before the Special Bench, and shall, if he so requests, be heard in person or by counsel or agent, and may call evidence.

Where number of  
licences becomes less  
after poll  
presented.

New.

**197.** If the number of licences of any class in which a reduction is to be effected by any means becomes more or less after the poll than it was at the date of the poll, the Special Bench shall nevertheless by the determination provide for the reduction of the number of licences of such class by one-third of the number of such licences current at the date of the poll.

Publication and  
notification of the  
determination.

N.S.W. Act 40, 1905,  
s. 72.  
Act 666, 1896, s. 33.

**198.** (1) When the Special Bench has made the determination the President shall—

(a) Publish the President's certificate in the *Gazette* :

(b) Give

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DIVISION III.

(b) Give notice to the holders of the licences which it is determined shall not be renewed. Such notice shall be in the form of Schedule Y hereto, but failure of such notice to reach any licensee shall not invalidate any action of the Special Bench or of the Licensing Bench:

(c) Send a duplicate signed by him of the President's certificate to the clerk of the Licensing Bench for the Licensing District in which the Local Option District is situated. New.

(2) Such clerk shall preserve and file the said duplicate for future reference.

(3) The production of the *Gazette* containing the President's certificate shall be *prima facie* evidence in all proceedings of the contents of the President's certificate and of the determination.

**199.** (1) The Licensing Bench for the Licensing District within which the Local Option District is situated shall, at its annual meeting next after the determination is made, reduce the number of licences by not renewing any of the licences which the Special Bench has determined shall not be renewed. Licensing Bench to give effect to the determination.  
Act 666, 1896, s. 33, altered.

(2) Such Licensing Bench shall not at such annual meeting or at any subsequent meeting, whilst the resolution continues in force, be bound to grant as many licences of any class as the number to which licences of that class are by the resolution as explained by subsection (2) of section 183, required to be reduced, and shall not grant more licences of such class than such number. In other respects the discretion of such Licensing Bench shall continue as before the local option poll. New.

## DIVISION III.—EFFECT OF OTHER RESOLUTIONS.

## DIVISION III.

**200.** If the second resolution is adopted at a local option poll in any Local Option District, no licence of any class shall thereafter, whilst such resolution continues in force, be granted in such district, except in respect of premises licensed at the time of such poll or premises to which a licence existing within such district at such time is removed. Effect of adoption second resolution.  
Act 897, 1905, s. 9.

**201.** If the third resolution is adopted at a local option poll in any Local Option District, licences of any class may, whilst such resolution continues in force, be granted in the discretion of the Licensing Bench in respect of premises situate within such district which were not licensed at the time of such poll: Provided that the licences of any class so granted for any year shall not exceed in number one-third of the number of licences of such class current at the time of such poll in respect of premises so situated: Provided, nevertheless, that if the number of such licences so current in respect of such premises is less than three, or there were no such licences current, one licence, and no more, may be so granted. Effect of adoption of third resolution.  
Ibid, altered.

## DIVISION

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DIVISION IV.

If poll invalid.

N.S.W. Act 40, 1906,  
s. 76.Time for which  
resolutions continue  
in force.Act 666, 1896,  
sec. 34.How resolutions  
adopted before this  
Act to be given effect  
to.

New.

Number of licences  
deemed to be current  
when earlier resolu-  
tion not given effect  
to.

New.

## DIVISION IV.—GENERAL.

**202.** If any local option poll is for any reason invalid, the Governor may, by Order in Council, direct the Returning Officer of the Electoral District constituting or comprising the Local Option District wherein such poll was taken to cause a further local option poll to be taken upon a day to be fixed in such Order in Council, which poll such Returning Officer shall cause to be taken, and the like proceedings shall thereupon be taken and the like results follow as if the former poll had not been taken.

**203.** A resolution adopted at a local option poll taken under this Act or under any Act repealed by this Act shall continue in force until altered or rescinded by a resolution adopted at a subsequent local option poll.

**204.** If the Licensing Bench having jurisdiction in the matter has not, before the passing of this Act, completed its proceedings for giving effect to a resolution for the reduction of licences adopted at any local option poll taken under any Act repealed by this Act, a Special Bench shall forthwith be appointed, as provided in Division II. of this Part, for that purpose; and such Special Bench shall give effect to the resolution as if it were a resolution adopted after the passing of this Act, and for that purpose shall have the same powers as a Special Bench appointed under the said Division II. And in such case the number of licences shall be reduced in accordance with the determination of the Special Bench at the annual meeting of the Licensing Bench next after such determination.

Provided that if in any case proceedings have been instituted in any Court to prohibit a Licensing Bench from proceeding in pursuance of a resolution adopted at a local option poll taken before the passing of this Act, such proceedings may be prosecuted against the Special Bench appointed as in this section before mentioned, but such Special Bench shall not be liable, as to costs or otherwise, for anything done or omitted to be done by such Licensing Bench.

**205.** In case, at the date of any local option poll, the number of licences of any class as to which a resolution for reduction was adopted at any former local option poll (whether taken before or after the passing of this Act) has not been reduced in accordance with such resolution, and whether the Licensing Bench or Special Bench (as the case may be) has or has not at such date determined, for the purpose of such reduction, what licences shall not be renewed, the number of licences of such class current at the date of the first-mentioned poll shall be deemed to be not more than the number to which such licences were by such resolution required to be reduced.

Whatever is the result of the later poll, effect shall be given to the said resolution, and if a resolution for reduction is adopted at the later poll, effect shall be given to the last-mentioned resolution also.

**206.** Where

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**206.** Where, in consequence of a resolution adopted at a local option poll under this Act, the licence of any premises is not renewed or ceases to be in force, and such premises are in the occupation of some person other than the owner of the same under or by virtue of a lease or tenancy agreement, the lessee may at any time after the non-renewal of such licence give to the lessor or the landlord, as the case may be, written notice of his intention to surrender his tenancy at the expiration of fourteen days from the giving of such notice, and the lessor or landlord, as the case may be, shall, at the cost of the lessee or tenant, execute all documents and do all things necessary to give effect to such surrender.

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Relief of tenant if  
licence not renewed.

**207.** The Governor may by regulation make provision for salaries and fees and allowances for expenses to be paid to members of Special Benches appointed under this Part, and to the clerks and officers of such Special Benches, and to Returning Officers and other persons for taking local option polls and in connection therewith, and for allowances for travelling expenses of members of Licensing Benches, and may from time to time by regulation alter or rescind such provision, and make such other (if any) provision for such salaries, fees, and allowances as he deems expedient.

Fees for members of  
Special Benches and  
officers.

New.

**PART VI.****LEGAL PROCEEDINGS AND EVIDENCE.****PART VI.**

**208.** The payment of any money ordered by any Bench to be paid under the authority of this Act may be enforced upon the order of the Bench, signed by the chairman for the time being, in like manner as an order of a Justice made under the provisions of the Ordinance No. 6 of 1850, or any Act amending the said Ordinance, or any other Act for the time being in force in that behalf; or, at the discretion of the Bench, by the committal of the offender to prison for a period not exceeding three calendar months, unless payment thereof be sooner made.

Payments ordered by  
Benches, how  
enforced.

Act 191, 1880, s. 133.

**209.** In all cases where costs or any other moneys are ordered by any Bench to be paid, the form of order may be in the form in Schedule Z hereto, or to the like effect.

Form of order by  
Licensing Bench.

Ibid, s. 134.

**210.** The offences mentioned in sections 110, 111, 114, 115, 117, 118, 119, 121, 122, 123, 124, 127, 128, 129, 130, 132, 139, 141, 142, 145, 147, 148, 149, 155, 168, 171, 173, and 175 are hereby declared to be offences for which a licence may be forfeited as provided in section 70.

Offences for which  
licence may be for-  
feited.

Ibid, s. 123, adapted  
and altered.

**211.** Any person duly summoned to attend and give evidence in the matter of any application for the grant, renewal, transfer, or removal of any licence, and to whom payment or a tender of payment of his expenses has been made, as follows:— Persons, excepting children

Penalty on witness  
duly summoned not  
appearing.

Ibid, s. 124.

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children under fifteen years of age, Seven Shillings for each day, children under fifteen years Three Shillings and Sixpence for each day, travelling expenses per mile, one way, Six Pence, and who refuses or neglects, without sufficient cause, to attend, and also every person present at the hearing, whether so summoned or not, who is required to give evidence in such matter, and who refuses to be sworn and give evidence, shall be liable to pay such fine, not exceeding Ten Pounds, as the Bench imposes; and the whole or any part of such fine shall at the discretion of the Bench be applicable towards indemnifying the party injured by such refusal or neglect.

Licences to be produced on hearing of charges against licensees.

*Ibid*, s. 141

Altered.

**212.** (1) Whenever any licensed person is charged with any offence under this Act he shall produce his licence, certificate, permit, or order to the Special Magistrate or Justices hearing such charge, and if such licensed person is convicted of any offence on such hearing the Special Magistrate or Justices shall indorse a memorandum of such conviction on such licence, certificate, permit, or order.

(2) Any licensed person who upon the hearing of such charge refuses or neglects to produce his licence, certificate, permit, or order shall be liable to a penalty not exceeding Twenty Pounds.

Proceedings to be heard and determined under Ordinance No. 6 of 1850, &c.  
*Ibid*, s. 135.

Enforcing penalties.

**213.** Every proceeding under this Act for omissions, defaults, neglects, acts, or offences, to which forfeitures, fines, imprisonments, or other penalties attach shall, except where otherwise provided, be heard and determined in a summary way by any Special Magistrate or two Justices, under the provisions of the Ordinance No. 6 of 1850, and the Act No. 298 of 1883-4, and any Act in force for the time being relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders may be enforced as in the said Ordinance and Acts is provided. And in every case of the adjudication of a pecuniary penalty under this Act and the non-payment thereof, together with costs, if costs have been awarded, it shall be lawful for the convicting Special Magistrate or Justices to commit the offender to gaol for a term not exceeding three calendar months, with or without hard labor, such imprisonment to cease on the payment of the sum due; and such conviction may be in the form contained in Schedule I<sup>2</sup> to the said Ordinance No. 6 of 1850, or to the like effect.

Service of process, notices, and documents.

New.

**214.** (1) Except where otherwise expressly provided, and subject to the provisions of this section, any summons, information, complaint, or other proceeding whatsoever, and any notice of application, or other notice, or other document whatsoever, required by this Act to be served upon or delivered or given to any person, shall be deemed to have been duly served upon or delivered or given to such person if and when served upon or delivered or given to or left with him personally, or left with some person for him at his last known or most usual

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usual place of abode. Service, delivery, or giving in all cases provided for in this section may be proved either orally or by affidavit sworn before any Commissioner for taking Affidavits in the Supreme Court, or by declaration made before any Justice.

(2) Any notice of objection to the grant, renewal, transfer, or removal of a licence, and any notice required to be given by any Special Bench or the President of a Special Bench shall, for the purposes of this Act, be deemed to have been duly delivered or given to and received by the person to whom addressed if posted in a prepaid registered letter or packet, addressed to the person to whom it is required by this Act to be delivered or given at his usual or last known place of abode; and such notice shall be deemed to have been delivered or given to and received by such person at the time when the letter or packet containing it would be delivered to such person in the ordinary course of post, or if postal matter is not usually delivered at the said place of abode, then at the time when the said letter or packet would in the ordinary course of post be received by such person.

Notice of objection may be delivered by post.

New.

**215.** (1) All informations under this Act against any licensed person (other than the holder of a packet licence) for any offence shall be laid, and the summons thereon shall be served, within one month after the commission of the act in respect of which such information is laid.

When information to be laid.

Act 191, 1880, s. 132, altered.

(2) All such informations against any holder of a packet licence shall be laid against, and the summons thereon shall be served upon such holder within two months after the commission of such act.

(3) All such informations against any unlicensed person shall be laid against and the summons thereon shall be served upon, such person within six months after the commission of such act.

**216.** It shall be held sufficient in any information under this Act if such information gives the accused a reasonably clear and intelligible statement of the offence with which he is charged, and no conviction or warrant of commitment shall be held void, invalid, or be quashed for any defect in substance or in form: and the Special Magistrate or Justices shall, at or before the hearing, amend any information which in their opinion is defective or ought to be amended, upon such terms (if any) as to costs, adjournment, or otherwise as they think fit; and any Special Magistrate may amend any conviction or warrant of commitment at any time after the same has been signed, and before it has been executed.

Power to amend.

Cf. Act 685, 1897, s. 12.

**217.** Every person who aids, abets, counsels, or procures the commission of any offence under this Act, which is punishable on summary conviction, shall be liable to be proceeded against and convicted for the same offence, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same penalty, forfeiture, and punishment as such principal offender is by law liable.

Prosecution and punishment of aiders and abettors in the commission of offences.

Act 191, 1880, s. 117

**218.** For

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Notices appearing in  
*Gazette* to be *prima*  
*facie* evidence.

Ibid, s. 136.

Enlarged.

**218.** For the purposes of this Act every order, Proclamation, notice, or other notification appearing in the *Gazette* relating to any Licensing or Local Option District, any Licensing or Special Bench, any member or clerk or other officer of any such Bench, any inspector, member of the Police Force, electoral or other officer or person, or any licence, certificate, permit, order, or other matter shall be *prima facie* evidence in all judicial and other proceedings of the matters mentioned in such order, Proclamation, notice, or notification.

In proceedings for  
selling illegally, the  
defendant to be  
deemed unlicensed,  
unless satisfactory  
proof to the contrary.

Ibid, s. 137.

**219.** In all proceedings against any person for selling, or permitting to be sold, any liquor without a licence, such person shall for all purposes connected with those proceedings be deemed unlicensed, unless he at the hearing of the case produces his licence, certificate, permit, or order to the Special Magistrate or Justices, or furnishes other satisfactory proof of his being licensed.

In proceedings  
person deemed to be  
licensed unless  
satisfactory proof to  
contrary.

New.

**220.** Any person alleged in any information or complaint under this Act to be a licensed person shall, for all purposes connected with and in all proceedings under or upon such information or complaint, be deemed to be a licensed person, and to be licensed in respect of the premises (if any) in respect of which he is, in such information or complaint, alleged to be licensed, unless he at the hearing of such information or complaint satisfies the Special Magistrate or Justices to the contrary.

Unlicensed person  
exhibiting sign, &c.,  
*prima facie* evidence  
of sale of liquor

Act 191, 1880, s. 138.

**221.** The fact of any person who does not hold a licence under this Act keeping up any sign, writing, or other mark on or near to his house or premises, or having such house fitted up with a bar or other place, containing bottles, casks, or other utensils openly displayed so as to imply or give reasonable cause to believe that such house or premises is or are licensed for the sale of any liquor, or that any liquor is sold or served therein, or having in such house or premises a quantity of liquor more than is reasonably required for the use of the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person; and in all cases where liquor is carried about from one place to another the burden of proving that such liquor was not so carried or exposed for sale, or that the person charged is within the exceptions in this Act set out, shall be cast on the person carrying or exposing the same.

Evidence of sale or  
consumption of  
liquor.

35 and 36 Vict. c. 94,  
s. 62.

Act 191, 1880, s. 95,  
altered.

**222.** (1) In proving the sale, supply, or consumption of liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money or other consideration actually passed, or that any liquor was actually consumed, if the Special Magistrate or Justices sitting at or on the hearing of the information or complaint are satisfied that a transaction in the nature of a sale or supply of liquor actually took place, or that any consumption of liquor was about to take place.

(2) The



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(2) The delivery to any person of liquor by a licensed person, or by the owner or occupier of any licensed house, place, or premises, or by his servant or any other person in the licensed house, place, or premises, shall be deemed to be sufficient evidence of the sale or supply of liquor by the holder of the licence, or of the consumption of liquor by the person to whom delivered, so as to support a conviction, unless evidence to the contrary to the satisfaction of the Special Magistrate or Justices is given.

**223.** No member of the Police Force or inspector who purchases liquor, and no person who purchases liquor at the request of a member of the Police Force or an inspector, shall be deemed an accomplice or guilty of an offence against this Act where any information or complaint has been laid for such offence, nor shall the evidence of such member of the Police Force or inspector or of such person be deemed, on the hearing of such information or complaint, to be the evidence of an accomplice.

Members of Police Force, &c., not accomplices.

Cf. Act 943, 1907, s. 6.

**224.** The Special Magistrate or Justices sitting at or on the hearing of any information or complaint under this Act may, if in the circumstances of the case they deem it proper, convict the person accused upon the uncorroborated evidence of an accomplice; nor shall he or they acquit the person accused merely on the ground that the only evidence against him is the uncorroborated evidence of an accomplice, unless, in the circumstances of the case, he or they suspect the truth of such evidence; and there shall be no appeal from any conviction merely on the ground that the only evidence against the accused was the uncorroborated evidence of an accomplice.

Magistrates may act on evidence of accomplices without corroboration.

New.

**225.** The Special Magistrate or Justices in any proceeding on any information or complaint under this Act may, by notice in writing signed by them and served upon any person whom they deem likely to be in possession of evidence affecting the matter in issue in such proceeding, require such person to attend on the hearing of the information or complaint, and to give all evidence within his knowledge concerning such matter; and every such person so required to attend and give evidence who refuses or neglects to attend or to give such evidence, or to answer any question which the Special Magistrate or Justices (if the question is objected to as irrelevant) decide to be relevant, shall be subject to be dealt with in all respects as a person summoned or subpoenaed or appearing as a witness before any Justice or Court in obedience to a summons or subpoena and refusing or neglecting without lawful excuse to attend or to give evidence may by law be dealt with.

Special Magistrate or Justices may require attendance of any person to give evidence.

Cf. Act 13, 1875, s. 25.

**226.** (1) No person required to give evidence under the next preceding section, or otherwise called as a witness, or giving evidence upon the hearing of any information or complaint under this Act, shall be excused from answering any question notwithstanding that the answer thereto would or might tend to show him

Accomplices not excused from giving evidence if given a certificate of immunity.

Cf. *ibid.*, s. 25, and Act 943, 1907, s. 9.

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Persons giving evidence to be free from criminal proceedings.

*Cf. ibid.*, 26.

him to be an accomplice or accessory with, or an aider or abettor of, the person being tried, in the offence for which he is being tried, or otherwise to incriminate him, provided that the Special Magistrate or Justice or Justices hearing the case, if the question is objected to as irrelevant, decide that it is relevant.

(2) Any person who gives evidence as required by this section shall, if he satisfies the Special Magistrate or Justice or Justices that he has made true, faithful, and complete discovery, to the best of his knowledge, as to all things on which he is examined, at his request be furnished by the Special Magistrate or Justice or Justices with a certificate to that effect, and shall thereafter be free from all criminal prosecutions and proceedings and all penal actions in respect of all matters of which he has so given evidence.

Application of licence moneys, penalties, fines, forfeitures, and fees.

Act 191, 1880, s. 142

N.S.W., 18, 1898, sec. 115.

**227.** All moneys received for licences, certificates, or permits, or for penalties, or as fees under or by virtue of this Act, are hereby reserved to His Majesty, his heirs and successors, for the public use of the said State, and the support of the Government thereof: Provided that any fines or penalties may, notwithstanding any provisions of this Act, be remitted by the Governor either wholly or in part.

Appeal to Adelaide Local Court of Full Jurisdiction.

Act 191, 1880, s. 143

**228.** Subject as in this Act expressly provided, there shall be an appeal from any Special Magistrate, Justice or Justices, against any conviction for any offence against this Act, or any order declaring the forfeiture of any licence or any order dismissing any information or complaint, or any order of forfeiture or confiscation, or any order for payment of costs, or other order, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850, and any Act for the time being in force as to appeals to Local Courts; but the said Local Court may make such order as to payment of the costs of appeal as it thinks fit, although such costs exceed Ten Pounds: Provided always that, in all cases of appeal against any order or conviction of any Special Magistrate or Justices declaring any licence to be forfeited, the appellant, within four days of the date of such order or conviction, gives to the clerk of the Court in which the case was heard, or if there is no clerk, then to the Special Magistrate or Justices adjudicating, notice in writing stating his intention so to appeal, which notice shall be in addition to the notices required to be given by the said Ordinance No. 6 of 1850.

Local Court, upon hearing of appeal, may state special case.

*Ibid.*, s. 144.

**229.** The Local Court, upon the hearing of any appeal, may state a special case for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case according to the practice of the Supreme Court on special cases, and the Supreme Court may make such order (if any) as to the costs in that Court and the Courts below as to the said Court appears just; and any two or more Justices, or the Local Court aforesaid, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge

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Judge thereof: Save as herein provided, no order or proceeding of any Special Magistrate, Justice, or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari* or otherwise, into the said Supreme Court.

## PART VI.

**230.** All actions, prosecutions, and other proceedings against any person for anything done in pursuance of this Act shall be commenced within three months after the act complained of was committed, and not otherwise; and notice in writing of such action, prosecution, or other proceeding, and the cause thereof, shall be given to the defendant or person prosecuted or proceeded against, one month at least before the commencement of the action, prosecution, or proceeding; and the defendant or person prosecuted or proceeded against in any such action, prosecution, or proceeding may plead the general issue and give this Act and the special matter in evidence at any trial; and the plaintiff shall not recover in such action if tender of sufficient amends is made before action brought, or if after action brought the defendant pays into Court sufficient amends, but in such last-named case the plaintiff shall recover his costs of suit up to the time of payment into Court; and if a verdict passes for the defendant, or the plaintiff becomes nonsuit or discontinues, the defendant shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.

Protection to officers.  
Ibid, s. 145.

## PART VII.

## REGULATIONS AND FORMS.

## PART VII.

**231.** (1) The Governor may from time to time make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act, and from time to time may revoke, vary, or amend any such regulations and substitute other regulations for any such regulations.

Regulations.

Cf. Act 945, 1907,  
s. 141.

(2) It shall be lawful in such regulations, or any of them, to provide for the due enforcement of such regulations, or of any of them, under a penalty not to exceed in any case the sum of Twenty Pounds.

N.S.W. Act 40, 1905  
s. 78.  
Vic. Act 2068, 1906,  
s. 130 (1).

(3) All such regulations shall—

(a) Be published in the *Gazette* ;

Cf. Act 945, 1907,  
s. 141.

(b) Take effect from the date of such publication or from a later date to be specified therein ; and

(c) Be laid before both Houses of Parliament within fourteen days after publication, if Parliament is then in Session, and if not, then within fourteen days after the commencement of the next Session.

(4) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same is disapproved, either wholly or in part, by resolution of either House of Parliament within  
thirty

Proviso as to powers  
of Parliament.

Ibid.

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thirty sitting days of such House after such regulation has been laid before Parliament, if Parliament is so long in Session: Provided that if Parliament is not so long in Session, then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty sitting days of such House after the commencement of the next Session.

(5) In any proceedings in any Court, or before any Bench, special Bench, Justice or Justices, or any tribunal or person, the production of the *Gazette* containing any regulations purporting to be made under the provisions of this Act shall be *prima facie* evidence that the same, as therein printed, have been duly made and published under this Act and are in force.

N.S.W. Act 40, 1906.  
s. 78.

(6) Any penalty provided as aforesaid by such regulations may be recovered before any Special Magistrate or two Justices.

Regulations  
unchallengeable  
unless quashed.

Cf., 946, 1907, s. 142.

**232.** (1) A person desiring to dispute the validity of a regulation made under this Act may apply to the Supreme Court upon affidavit for a rule calling upon any Inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said Court may make absolute or discharge the said rule with or without costs.

(3) All regulations, unless and until so quashed, shall have the like effect as if enacted in this Act.

(4) No regulation shall be challenged or disputed in any other manner.

Forms sufficient if  
substantially correct.  
New.

**233.** (1) It shall be sufficient in all cases to use such of the forms provided in the schedules to this Act, or by regulation as in this section mentioned, as are applicable.

(2) Any form may be varied to suit the circumstances of the case, and no variation in any form used shall invalidate such form, provided that the substance and effect thereof is not altered.

Vict. Act 2068, 1906  
s. 106.

(3) By regulations made under this Act any form provided in such schedules may be altered and new forms may be provided in substitution for, or in addition to, or for other purposes than those for which any of the forms provided in such schedule are provided.

Salaries, &c., to be  
paid out of moneys  
provided by Parlia-  
ment.

**234.** All salaries, fees, and allowances required or permitted by this Act, or by regulation under this Act, to be paid in respect of anything done under this Act or any such regulation, shall be paid out of moneys to be provided by Parliament.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

**SCHEDULES**

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## SCHEDULES REFERRED TO.

## SCHEDULE A.

Sec. 2.

## ACTS REPEALED.

Reference to Act.	Title of Act.	Extent of Repeal.
191 of 1880	"The Licensed Victuallers Act, 1880" .....	The whole
540 of 1891	"The Licensed Victuallers Amendment Act, 1891" ....	The whole
666 of 1896	"The Licensed Victuallers Further Amendment Act, 1896" .....	The whole
773 of 1901	"The Licensed Victuallers Further Amendment Act, 1901" .....	The whole
784 of 1902	"The Licensed Victuallers Act Further Amendment Act, 1902" .....	The whole
846 of 1904	"The Local Option Extension Act, 1904" .....	The whole
397 of 1905	"The Local Option Act, 1905" .....	The whole

## SCHEDULE B.

Secs. 15, 39.

## FORM 1.

Act 191, 1880,  
Schedule B *et seq.*

## FORMS OF LICENCES.

## PUBLICAN'S LICENCE.

"The Licensing Act, 1908."

I, A.B., clerk to the Licensing Bench for the Licensing District of , in the State of South Australia, do hereby certify that on the day of 19 , a Publican's Licence was granted by the said Licensing Bench then assembled, at their meeting held at , to C.D., of , and that the said C.D. is hereby licensed to sell liquor in any quantity in the house called or known as , situated at , in the said State, and the appurtenances to the said house belonging, but not elsewhere. This licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, at this day of , 19 .

A.B., Clerk of the said Licensing Bench.

Issued the day of , 19 .

E.F., Treasurer.

*The Licensing Act.—1908.*

Ibid.

## FORM 2.

## STOREKEEPER'S LICENCE.

"The Licensing Act, 1908."

I, A.B., clerk to the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a Storekeeper's Licence was granted by the said Licensing Bench then assembled, at their meeting held at \_\_\_\_\_, to C.D., of \_\_\_\_\_, and that the said C.D. is hereby licensed to sell and dispose of liquor in the shop, store, or room of the said C.D., situated at \_\_\_\_\_, in quantities of not less than one gallon of one kind of spirits, or one dozen reputed quart bottles, or two dozen reputed pint bottles of wine or other fermented liquor to be taken away at one time by one person, and so that no portion of such liquor shall be drunk in or about the house or on the premises above described; and no liquor shall be sold or disposed of earlier than six o'clock in the morning, or later than eleven o'clock at night. This licence shall commence on the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March, in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Issued the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

E.F., Treasurer.

Ibid.

## FORM 3.

## WINE LICENCE.

"The Licensing Act, 1908."

I, A.B., clerk to the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a Wine Licence was granted by the said Licensing Bench then assembled, at their meeting held at \_\_\_\_\_, to C.D., of \_\_\_\_\_, and that the said C.D. is hereby licensed to sell mead, wine, cider, and perry, produced and manufactured in South Australia, in any quantity, on the premises [*describing them*], and the appurtenances belonging thereto, but not elsewhere. This licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Issued the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

E.F., Treasurer.

Ibid.

## FORM 4.

## STOREKEEPER'S AUSTRALIAN WINE LICENCE.

"The Licensing Act, 1908."

I, A.B., clerk to the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a Storekeeper's Australian Wine Licence was granted by the said Licensing Bench then assembled, at their meeting held at \_\_\_\_\_, to C.D., of \_\_\_\_\_, and that the said C.D. is hereby licensed to sell and dispose of mead, wine, cider, and perry, produced and manufactured in South Australia, in quantities of not less than one reputed quart bottle at a time on the premises [*describing them*], so that no portion of such liquor shall be consumed on the said premises; but no liquor shall be sold or disposed of earlier than six o'clock in the morning or later than eleven o'clock at night. This licence shall commence from the date hereof, and continue in force until the twenty-fifth day of March, in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Issued the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

E.F., Treasurer.

FORM

*The Licensing Act.—1908.*

## FORM 5.

Ibid.

## PACKET LICENCE.

“The Licensing Act, 1908.”

Whereas A.B., of \_\_\_\_\_, being the master (or commander) of the steamer [or if any other kind of vessel, describe it], has deposited in my office a certificate signed by a Special Magistrate (or two Justices of the Peace, as the case may be), and whereas the said A.B. has paid into my office the sum of Ten Pounds sterling as the fee for a Packet Licence: Now I, the undersigned, being the Treasurer of South Australia, do hereby license the said A.B. to sell liquor in any quantity to any passenger on board of such vessel during any voyage or passage, in accordance with the provisions of the above-mentioned Act. This licence shall commence on the day of the issue hereof, and continue in force for twelve calendar months, provided it be not forfeited in the meantime.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .  
C.D., Treasurer.

## FORM 6.

## CLUB CERTIFICATE.

Vic. Act, No. 2068,  
Schedule B.

The Licensing Bench for the Licensing District of \_\_\_\_\_ sitting at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, having granted the application for the registration of the \_\_\_\_\_ Club, in respect of the premises thereof situated at \_\_\_\_\_, in the State of South Australia, this is to certify that the body, association, or company of persons occupying such premises are now registered a club within the meaning of the Licensing Act, 1908.

The secretary (or steward or manager) of the said club is [here state full Christian and surname and address].

This registration shall commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, and continue in force till the twenty-fifth day of March in the year now next ensuing, both days inclusive, if not in the meantime cancelled.

\_\_\_\_\_, Clerk of the said Licensing Bench.

## FORM 7.

## BREWER'S COLONIAL ALE LICENCE.

Ibid.

“The Licensing Act, 1908.”

Act 773, 1901,  
Schedule X.

I, A.B., clerk to the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, a Brewer's Colonial Ale Licence was granted by the said Licensing Bench then assembled, at their meeting held at \_\_\_\_\_, to C.D., of \_\_\_\_\_, brewer, and that the said C.D. is hereby licensed to sell and dispose of liquor on the premises situated at [describe them], in quantities of not less than two gallons of one kind of spirits or one dozen reputed quarts bottles or two dozen reputed pint bottles of wine or other fermented liquor to be taken away at one time by one person, and so that no portion of such liquor shall be drunk in or about the house or on the said premises; and no liquor shall be sold or disposed of earlier than six o'clock in the morning or later than eleven o'clock at night. This licence shall commence on the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .  
A.B., Clerk to the said Licensing Bench.

Issued the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

E.F., Treasurer.

FORM

*The Licensing Act.—1908.*

Ibid.

New

## FORM 8.

## DISTILLER'S STOREKEEPER'S LICENCE.

"The Licensing Act, 1908."

I, A.B., clerk to the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a Distiller's Storekeeper's Licence was granted by the said Licensing Bench then assembled, at their meeting held at \_\_\_\_\_, to C.D., of \_\_\_\_\_, distiller, and that the said C.D. is hereby licensed to sell and dispose of liquor on the premises situated at \_\_\_\_\_, in quantities of not less than two gallons of one kind of spirit, or one dozen reputed quart bottles or two dozen reputed pint bottles of wine or other fermented liquor to be taken away at one time by one person; and so that no portion of such liquor shall be drunk in or about the house or on the said premises, and no liquor shall be sold or disposed of earlier than six o'clock in the morning or later than eleven o'clock at night. This licence shall commence on the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B., Clerk to the said Licensing Bench.

Issued the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

E.F., Treasurer.

Ibid.

Act 191, 1880  
Schedule F1.

## FORM 9.

## BILLIARD-TABLE LICENCE.

"The Licensing Act, 1908."

I, A.B., clerk to the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a Billiard-table Licence was granted by the said Licensing Bench then assembled, at their meeting held at \_\_\_\_\_, to D.C., of \_\_\_\_\_, and that the said C.D. is hereby licensed to keep, set up, and maintain billiard, bagatelle, and billiard-bagatelle tables, or any of them, on [describe the premises], but not elsewhere, and to allow such tables to be used between the hours of ten in the morning and eleven at night, but not at any time on any Sunday, Christmas Day, or Good Friday. This licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B., Clerk to the said Licensing Bench.

Issued the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

E.F., Treasurer.

Sec. 26,

## SCHEDULE C.

## REGISTRATIONS.

## I.—Publicans' Licences.

Where the fee is by section 16 of this Act fixed at an amount mentioned in the first column hereunder, it shall, after each reduction, in pursuance of a resolution to reduce, be increased by the amount in the second column hereunder set opposite such first-mentioned amount.

First Column.		Second Column.
£15	..	£10
£20	..	£15
£30	..	£20
£35	..	£25
£40	..	£30

## II.—Storekeepers'



*The Licensing Act.—1908.*II.—*Storekeepers' Licences.*

After each reduction in pursuance of a resolution to reduce, the fee shall be increased by £5.

III.—*Wine Licences.*

The same as above provided as to storekeepers' licences.

IV.—*Storekeepers' Australian Wine Licences.*

After each reduction in pursuance of a resolution to reduce, the fee shall be increased by £2 10s.

V.—*Brewers' Colonial Ale Licences and Distillers' Storekeepers' Licences.*

For the purposes of section 26 of this Act and of this Schedule these two classes of licences are to be regarded as storekeepers' licences, and the fees therefor and for storekeepers' licences shall be increased accordingly.

VI.—*Club Registrations.*

The same as above provided with regard to publicans' licences, but substituting "Section 97" for "Section 16."

## SCHEDULE D.

## CERTIFICATE FOR A PACKET LICENCE.

"The Licensing Act, 1908."

I (or we), the undersigned [*Special Magistrate's or Justices' names*], of [*address and description*], do hereby certify that C.D., the master (or commander, as the case may be) of the steamer [*or other vessel, as the case may be*], conveying passengers between [*name the place*] and [*name the place*], is a person of good fame and reputation, and fit to be entrusted with a Packet Licence.

Dated this                      day of                      19                      .

[*Signature of Special Magistrate or of two Justices of the Peace.*]

Sec. 31.

Act 191, 1880, s. 34  
Schedule G.

## SCHEDULE E.

## FORMS OF APPLICATION.

## NOTICE OF APPLICATION FOR A PUBLICAN'S LICENCE.

"The Licensing Act, 1908."

To the Licensing Bench for the Licensing District of                      , in the State of South Australia :

I, A. B., of [*state residence and trade or calling*], hereby give notice that it is my intention to apply at the next meeting of the above-named Bench, to be held at                      , for a licence to sell and retail liquor in the house and premises situate (or which I intend to erect) in                      street, at                      , and which I intend to keep as an inn or public-house, to be called the                      and also [*if such is the case*] for a billiard-table licence in respect of the same premises.

[*If the applicant desires to sell or supply liquor in more than one bar-room, add as follows:—*]

And I desire to receive the approval of the said Bench of my selling and supplying liquor in the additional bar-room shown on the plan deposited herewith.

Dated this                      day of                      19                      .

A.B.  
NOTICE

Secs. 32, 39, 41.  
Act 191, 1880,  
Schedule H.

*The Licensing Act.—1908.*

## NOTICE OF APPLICATION FOR A STOREKEEPER'S LICENCE.

“The Licensing Act, 1908.”

To the Licensing Bench for the Licensing District of \_\_\_\_\_, in the  
State of South Australia :

I, A.B., [*state residence and trade or calling*], hereby give notice that it is my intention to apply, at the next meeting of the above-named Bench, to be held at \_\_\_\_\_, for a storekeeper's licence to sell and retail liquor in the house and premises situate at \_\_\_\_\_ street, at \_\_\_\_\_ and which I intend to keep as a store.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .  
A.B.

## NOTICE OF APPLICATION FOR A WINE LICENCE.

“The Licensing Act, 1908.”

To the Licensing Bench for the Licensing District of \_\_\_\_\_, in the  
State of South Australia :

I, A.B., of [*state residence and trade or calling*], hereby give notice that it is my intention to apply at the next meeting of the above-named Bench, to be held at \_\_\_\_\_, for a licence to sell mead, wine, cider, and perry, produced and manufactured in the said State, in the house and premises situate (*or* which I intend to erect) in \_\_\_\_\_, and which I intend to keep as a wine shop.

[*If the applicant desires to sell or supply liquor in more than one bar-room, add as follows :—*]

And I desire to receive the approval of the Bench of my selling and supplying mead, wine, cider, and perry in the additional bar-room shown on the plan deposited herewith.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 .  
A.B.

## APPLICATION FOR STOREKEEPER'S AUSTRALIAN WINE LICENCE.

“The Licensing Act, 1908.”

To the Licensing Bench for the Licensing District of \_\_\_\_\_, in the  
State of South Australia :

I, A.B., of [*state residence and trade or calling*], hereby give notice that it is my intention to apply at the next meeting of the above-named Bench, to be held at \_\_\_\_\_, for a Storekeeper's Australian Wine Licence to sell and retail colonial wine in the house and premises now in my occupation, situate (*or* which I intend to erect) in \_\_\_\_\_ street, at \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .  
A.B.

## NOTICE OF APPLICATION FOR A BILLIARD-TABLE LICENCE.

“The Licensing Act, 1908.”

To the Licensing Bench for the Licensing District of \_\_\_\_\_, in the  
State of South Australia :

I, A.B., of [*state residence and trade or calling*], hereby give notice that it is my intention to apply at the next meeting of the above-named Bench, to be held at \_\_\_\_\_, for a Billiard-table Licence for premises situate (*or* which I intend to erect) at \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .  
A.B.

NOTICE

*The Licensing Act.—1908.*

## NOTICE OF APPLICATION FOR A CLUB CERTIFICATE.

Sec. 88.

“The Licensing Act, 1908.”

To the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia :

I, A.B., of [*state residence*], the secretary (*or steward or manager*) of the Club, hereby give notice that it is my intention to apply, at the next meeting of the above-named Bench, to be held at \_\_\_\_\_, for a certificate of registration of the said club in respect to the premises thereof situate at \_\_\_\_\_; and I do hereby declare that I am the duly appointed secretary (*or steward or manager*) of the said club, and am duly authorised by the committee of the said club to make this application, and that the accompanying documents are (*or contain*) a true copy of the existing rules, and of the names, descriptions, and addresses of the existing members of the committee of the said club.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, A.B.

## NOTICE OF APPLICATION FOR A BREWER'S COLONIAL ALE LICENCE.

Act 773, 1901,  
Schedule Y.

“The Licensing Act, 1908.”

To the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia :

I, A.B., of [*state residence*], brewer, hereby give notice that it is my intention to apply at the next meeting of the above-named Bench, to be held at \_\_\_\_\_, for a Brewer's Colonial Ale Licence to sell and dispose of liquor in the premises situated at [*describe situation of premises*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, A.B.

## NOTICE OF APPLICATION FOR A DISTILLER'S STOREKEEPER'S LICENCE.

“The Licensing Act, 1908.”

To the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia.

I, A.B., of [*state residence*], distiller, hereby give notice that it is my intention to apply at the next meeting of the above-named Bench, to be held at \_\_\_\_\_, for a Distiller's Storekeeper's Licence to sell and dispose of liquor in the premises situate [*describe situation of premises*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, A.B.

## SCHEDULE F.

Secs. 32, 34, 51.

## HOUSEHOLDER'S CERTIFICATE AS TO THE APPLICANT

Ibid

“The Licensing Act, 1908.”

To the Clerk of the Licensing Bench for the Licensing District of \_\_\_\_\_, in the State of South Australia :

We, the undersigned householders, hereby certify that A.B. is well known to us, and that he is of sober life and habits, of good fame and reputation, and fit to be entrusted with a licence to keep an inn or public-house [*or as the case may be*], and able to manage the same, and that we are householders residing within a radius of one mile of the premises for which the said A.B. is now an applicant for a Licence.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

I.J.,  
K.L.,  
M.N.,

} [*State place of residence and trade or calling of each.*]

## SCHEDULE

*The Licensing Act.—1908.*

Sec. 35

## SCHEDULE G.

## MEMORIAL AGAINST LICENCE FOR NEW PREMISES.

“The Licensing Act, 1908.”

To the Licensing Bench for the Licensing District of \_\_\_\_\_, in  
the State of South Australia.

We, the undersigned electors, resident within a radius of two hundred yards of  
of the premises [*describe them*] for which plans have been deposited by [*state whom*],  
hereby request that no Publican's Licence (*or as the case may be*) be issued in  
respect of such premises.

Signature.	Date.	Place of Residence—Number of House, Street, Acre, Section, or other Particulars.	Witness to Signature.

[*Here insert verification of genuineness of signatures.*]

Sec. 43.

## SCHEDULE H.

## NOTICE FOR OBJECTIONS.

“The Licensing Act, 1908.”

Notice is hereby given that all persons having any complaint against the manage-  
ment or condition of any licensed premises, or the licensee as licensee thereof, must  
forward such complaint in writing to the clerk of the Licensing Bench for the district  
in which such premises are situated fourteen days at least before the annual meeting,  
namely, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and must attend such annual  
meeting to substantiate such complaint.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B., Clerk of the Adelaide Licensing Bench.

Sec. 51.

## SCHEDULE J.

## FORM OF NOTICE OF INTENTION TO APPLY FOR TRANSFER OF LICENCE

“The Licensing Act, 1908.”

I, A.B., the holder of a licence (*or a certificate from a Special Magistrate*) for the  
house and premises known as (*or the shop, store, or rooms, as the case may be*),  
situate at \_\_\_\_\_, hereby give notice that it is my intention to apply to the  
Licensing Bench for the Licensing District of \_\_\_\_\_, sitting at their  
quarterly meeting to be holden at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_  
(next or instant) to have the licence for the said premises transferred to C.D., of  
[*state present occupation (if any) of proposed transferee*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B.

SCHEDULE

## SCHEDULE K.

**Sec. 53.**

FORM OF CERTIFICATE OF TRANSFER OF LICENCE.

**"The Licensing Act, 1908."**

I, A.B., clerk of the Licensing Bench for the Licensing District of \_\_\_\_\_, sitting at the quarterly meeting of such Licensing Bench at \_\_\_\_\_, on the \_\_\_\_\_ day of, 19\_\_\_\_, do hereby certify that, upon the application of C.D., the requisite notices for a transfer having been proved before the said Bench to have been duly given, the said Bench has transferred the rights and privileges of the licence granted to the said C.D. in respect of the licensed premises situate at \_\_\_\_\_, and known as \_\_\_\_\_, to E.F., for the residue of the term for which the same has now to run.

Given under my hand, at                  the                  day of                  19        .  
A.B., Clerk of the said Licensing Bench.

## SCHEDULE L.

**Sec. 54 (2).**

**FORM OF CERTIFICATE AUTHORISING PERSON TO ENTER AND CARRY ON BUSINESS IN LICENSED HOUSE UNTIL NEXT MEETING.**

**"The Licensing Act, 1908."**

I, A.B., Esquire, a Special Magistrate (or we, A.B. and C.D., Justices of the Peace) in and for the State of South Australia, do hereby certify that I (or we) have considered the application made to me (or us) by E.F., and am (or are) satisfied that he has complied with the requirements of "The Licensing Act, 1908," and that he is a desirable person to enter into and carry on the business of a publican [or as the case may be], in the premises situate at \_\_\_\_\_, and known as \_\_\_\_\_, and I (or we) therefore hereby authorise him to enter and carry on business therein as a publican [or as the case may be] until the meeting of the Licensing Bench for the Licensing District of \_\_\_\_\_ to be held on the \_\_\_\_\_ day of \_\_\_\_\_ next.

Given under my hand, this                      day of                      19                      .

$$\text{or } \left\{ \begin{array}{l} \text{A.B.} \\ \text{A.B.} \\ \text{C.D.} \end{array} \right.$$

### SCHEDULE M.

**Sec. 55.**

FORM No. 1.

**FORM OF NOTICE OF APPLICATION TO REMOVE LICENCE TO OTHER PREMISES.**

**"The Licensing Act, 1908."**

I, A.B., the holder of a [*state the nature of the licence*] licence for the house and premises known as (*or the shop, store, or rooms, as the case may be*) situated \_\_\_\_\_, do hereby give notice that it is my intention to apply to the Licensing Bench for the Licensing District of \_\_\_\_\_ sitting at the quarterly meeting to be held at \_\_\_\_\_ on \_\_\_\_\_ to remove the licence to [*describe the premises to which it is proposed to remove the business*].

Dated this                      day of                      19   .

**A.B**

**FORM No. 2.**

**Sec. 103**

**FORM OF NOTICE OF APPLICATION TO REMOVE REGISTRATION OF CLUB  
TO OTHER PREMISES.**

**"The Licensing Act, 1908."**

I, A.B., the secretary (or steward, or manager) of the \_\_\_\_\_ Club, which is registered as a club under the above-mentioned Act in respect of the premises thereof situated at \_\_\_\_\_, do hereby give notice that it is my intention to apply on behalf of the said club to the Licensing Bench for the Licensing District of \_\_\_\_\_, sitting at the quarterly meeting to be held at \_\_\_\_\_ on \_\_\_\_\_, to remove the registration of the said club to *[describe the premises to which the club proposes to remove]*; and I do hereby declare that I am duly authorised by the committee of the said club to apply as aforesaid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

**A.B.**

## SCHEDULE

*The Licensing Act.—1908.*

Sec. 57.

## SCHEDULE N.

## FORM OF CERTIFICATE OF A REMOVAL TO OTHER PREMISES.

“The Licensing Act, 1908.”

I, A.B., clerk of the Licensing Bench for the Licensing District of  
 , sitting at the quarterly meeting of such Licensing Bench of Justices,  
 held at , on the day of , 19 , the requisite  
 notice of application for removal having been proved before the said Bench to have  
 been duly given, do hereby declare that the licence granted to C.D. in respect of the  
 licensed premises situated at and known as , shall  
 henceforth cease to apply to the house and premises therein described, and shall  
 henceforth apply to the house and premises known as the , and  
 situate at [*describe in the same manner as in the original licence*].

Given under my hand, this day of 19 .

A.B., Clerk of the said Licensing Bench.

Sec. 60.

## SCHEDULE O.

## SUMMONS TO WITNESS.

“The Licensing Act, 1908.”

South [Royal Arms.] Australia.

No.

*Summons to Witness.*

Licensing Bench for the Licensing District of .

In the matter of the application of  
 of for a  
 at

licence for premises situate

You are hereby required to attend at the meeting of the Licensing Bench  
 for the Licensing District of to be held at  
 on the day of 19 , at the  
 hour of o'clock in the forenoon, to give evidence in the above application,  
 and to continue in attendance until the said application shall be disposed of, and  
 there to have and produce and all other books,  
 papers, writings, and other documents relating to the said application which may be  
 in your custody, possession, or power. In default of your attendance you will be  
 liable to a penalty of Ten Pounds.

Dated this day of 19 .

A.B., Clerk of the said Licensing Bench.

To

Sec. 64.

## SCHEDULE P.

## CERTIFICATE TO SELL LIQUORS IN A BOOTH AT RACES, FAIRS, ETC.

“The Licensing Act, 1908.”

I, A.B., Esquire, a Special Magistrate (*or we, C.D. and E.F., two of His Majesty's  
 Justices of the Peace*) in and for State of South Australia, hereby approve of  
 G.H., now holding a publican's licence (*or wine licence, as the case may be*), selling  
 liquor (*or mead, wine, cider, and perry, as the case may be*) in an open booth (*or  
 tent, or building*), at on the occasion of a  
 for the space of days, subject to the provisions of “The Licensing Act, 1908.”

A.B., S.M.  
 or { C.D., J.P.  
 { E.F., J.P.

SCHEDULE

*The Licensing Act.—1908.*

## SCHEDULE Q.

Sec. 67.

CERTIFICATE ALLOWING OTHER THAN LICENSED PERSON TO CARRY ON  
BUSINESS DURING LICENCEE'S TEMPORARY ABSENCE.

"The Licensing Act, 1908."

I, A.B., Esquire, a Special Magistrate in and for the State of South Australia, hereby authorise and permit C.D., of [*residence and occupation*] to act for E.F., the holder of a publican's licence in respect of the premises known as [*state name of licensed premises and where situate*] during his absence from the State, for a period of \_\_\_\_\_ months from this date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

A.B., S.M.

## SCHEDULE R.

Sec. 68.

## CERTIFICATE TO SELL LIQUORS IN A CERTAIN PLACE UPON GOLDFIELDS.

"The Licensing Act, 1908."

I, A.B., Esquire, a Special Magistrate in and for the State of South Australia, hereby certify that C.D., the holder of this certificate, now holding a publican's (or wine) licence at \_\_\_\_\_, may sell liquor (or mead wine, cider, and perry as the case may be) in a certain place or building known as or called \_\_\_\_\_, situate upon the goldfield known as \_\_\_\_\_, for the residue of the term of the publican's (or wine) licence held by him, subject to the provisions of the Licensing Act, 1908.

A.B., S.M.

(N.B.—The place or building to which the above certificate is to apply must be specified as accurately as circumstances will allow.)

## SCHEDULE S.

Sec. 70

## ORDER FORFEITING LICENCE.

"The Licensing Act, 1908."

*South Australia* } Be it remembered that A.B., of \_\_\_\_\_, being the holder  
to wit. } of a \_\_\_\_\_ licence, is this day convicted before me (or us), the undersigned, a Special Magistrate in and for the said State (or two of His Majesty's Justices of the Peace for the said State) for that the said A.B. [*here set out the offence of which he has been convicted, and if the offence is one to which forfeiture is not specially attached, add*]; and it having been proved to me (or us) that the said A.B. has been (once or twice, as the case may be) before, within a period of (two or three years, as the case may be), convicted of offences against "The Licensing Act, 1908": Now I (or we) do therefore order and adjudge that the said licence of the said A.B. shall be and the same is hereby forfeited [*if costs are given, add the proviso with regard to costs contained in Schedule I 2 of the Ordinance No. 6 of 1850*].

Given under \_\_\_\_\_ hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

C.D., S.M.

or

E.F., J.P.

G.H., J.P.

## SCHEDULE

*The Licensing Act.—1908.*

Sec 81.

## SCHEDULE T.

## REGULATIONS FOR CONDUCTING THE BUSINESS OF LICENSING BENCHES.

1. The Commissioner of Police shall obtain, and furnish to the clerk of the Licensing Bench in each licensing district, at least three weeks before every annual or quarterly licensing day, a report of every licensed house in such district, and as to applications for new houses, or new applications for old houses, as soon after the application as possible, such report to contain a description of the condition of the houses, premises, and furniture, the manner in which the house has been conducted during the past twelve months, the character of the persons frequenting the house, and a statement of the number, locality, and distance of other licensed houses in the neighborhood, and such report shall be open to public inspection without fee.

2. In the case of applications for new houses, and new applications for old houses, and of transfer of licences, it shall be the duty of the clerks of the Licensing Benches to which such applications are intended to be made to search the copy of the record published by the Clerk of the Adelaide Licensing Bench in the *Gazette*; and upon the consideration of such application, to report to the Bench whether the applicants or, in the case of transfers, whether the intended transferees have previously applied for any licences, or have been intended transferees of licences, together with the result of such applications respectively; and in case of the rejection or refusal thereof, then the cause of such rejection or refusal, if such cause appears in the *Gazette*.

3. The Chairman of any Licensing Bench shall have power to call for the production of the applicant's licence in all cases where an application is made for a renewal of such a licence.

4. At the meetings of the Licensing Bench the applications for renewals of publicans' licences shall be taken first, the new applicants for old houses next, and the rest of the business shall follow.

5. The clerk to the Licensing Bench shall give notice to those applicants applying at the annual meeting for a renewal of their licences to whose applications notices of objection have been received by the clerk to attend at such annual meeting; and in such notices the clerk shall state the natures of the objections.

6. On the hearing of any application, except for renewals, the applicant, by himself or by his counsel, shall open his case; then the objectors are to be heard by themselves, or their counsel, and the applicant may reply.

7. In the case of applications for renewals, the objectors shall commence, and the applicant reply only.

8. The evidence (if any) shall be given in the same manner as in courts of law.

9. The Licensing Bench shall then consider the application, and, if unanimous, shall give their decision through their chairman; but, if not, they shall decide by vote (retiring, if necessary, to a private room) whether the application shall be granted or refused. The decision shall be given through the chairman, who shall have a casting as well as a deliberative vote.

10. The decision of the Bench, when once announced by the chairman, shall not be questioned or reconsidered or subject to any appeal.

Sec. 110.

## SCHEDULE U.

## NOTICE OF APPLICATION FOR ADDITIONAL BAR-ROOM.

"The Licensing Act, 1908."

To the Licensing Bench for the Licensing District of \_\_\_\_\_, in  
the State of South Australia.

I, A.B., of [*state residence and trade or calling*], hereby give notice that it is my intention to apply at the next meeting of the abovenamed Bench, to be held at \_\_\_\_\_, for permission to sell and supply liquor in the additional bar-room in my licensed premises, shown on the plan of such premises deposited herewith (*or for which I now hold such permission for the current year.*)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

A.B.

SCHEDULE



*The Licensing Act.—1908.*

## SCHEDULE V.

Sec. 119.

## PERMISSION TO USE LICENSED PREMISES FOR A PUBLIC ENTERTAINMENT.

“The Licensing Act, 1908.”

We, A.B. (Commissioner of Police, *or as the case may be*), and C.D., two of His Majesty's Justices of the Peace in and for the State of South Australia, hereby approve of E.F., now holding a licence, using a portion of his licensed premises as a (theatre, concert-room, ball-room, *as the case may be*) during the hours from six in the morning till eleven at night [*or as the case may be*], Christmas Day, Good Friday, and Sundays excepted. This permission shall terminate on [*state date.*]

A.B., J.P., (Commissioner, *or as the case may be*).  
C.D., J.P.

## SCHEDULE W.

Sec. 150.

## CERTIFICATE OF REGISTRATION AS BARMAID.

“The Licensing Act, 1908.”

*Licensing District of* .

This is to certify that [*name*] of [*address*] is registered as a barmaid in the register of barmaids for the above-mentioned Licensing District.

Dated the                      day of                      , 19 .

, Chairman of the above-mentioned Licensing District.

## SCHEDULE X.

Sec. 189.

## REGULATIONS AS TO MODE OF TAKING A POLL AND APPOINTING SCRUTINEERS UNDER “THE LICENSING ACT, 1908.”

*Notice of Poll to be Given.*

1. Upon receipt by the returning officer for a Local Option District of a direction by the Governor to take a local option poll therein, such returning officer shall forthwith give notice of such direction, and of the date of the poll, by advertisement in two daily newspapers circulating in such Local Option District.

*Polling-places.*

2. Each polling-place for parliamentary elections within such Local Option District shall be a polling-place for the local option poll.

*Powers of Returning Officers.*

3. The Returning Officer for the Electoral District comprising a Local Option District, or within which such Local Option District is situated, shall, for the purposes of the poll, have all the powers conferred on returning officers by “The Electoral Code, 1896,” or by any Act amending or substituted for that Code, and the proceedings shall, except where otherwise directed by regulation, be conducted in the manner prescribed by the said Code or Act.

*Time Booths shall be Open.*

4. The booths shall be open on the day of the poll from 8 a.m. until 7 p.m.

*Mode of Voting.*

5. Each voter shall indicate his vote by making a cross on the voting-paper having its point of intersection in the square opposite to the resolution in favor of which he desires

*The Licensing Act.—1908.*

desires to vote. More than one cross on any voting-paper, or any informality as set forth in "The Electoral Code, 1896," or in any Act amending or substituted for that Code, will render the voting-paper informal.

*Absent Voters.*

6. The provisions of Part III. of "The Electoral Code, 1896," relating to absent voters, or the provisions of any Act for the time being relating to absent voters, shall apply to the taking of a local option poll, and the vote shall be indicated as in these regulations provided; and the forms provided in Schedules XIV., XV., and XVI. of the said Code, or the forms substituted therefor by any Act amending or substituted for that Code varied as may be necessary, may be used.

*Challenge.*

7. The presiding officer, on the request of a scrutineer, may ask the following question, in addition to those mentioned in clause 127 of "The Electoral Code, 1896," or to those substituted for those mentioned in the said clause 127 by any Act amending or substituted for that Code:—"Do you reside within the Local Option District for which you now claim to vote?"

*Appointment of Scrutineers.*

8. The classes of licences referred to in the following regulations are the classes of licences mentioned in section 182 of this Act.

9. (a) Not less than two of the holders of each of the classes of licences current in respect of premises situated within a Local Option District may nominate a scrutineer to act at each polling-place within the Local Option District: Provided that if there is only one licence current of any class of licences the holder of such licence may nominate a scrutineer under this regulation.

(b) Not less than ten electors qualified to vote in the Local Option District at a local option poll, who state that they are in favor of the grant of a licence in respect of premises situated within such district, of any class or classes of which there are no licences then current, may nominate one person to be a scrutineer at each polling-place in respect of such class or each of such classes of licences.

10. Not less than ten electors qualified to vote in the Local Option District at a local option poll, who state that they are in favor of the reduction or exclusion of any class or classes of licences, may nominate one person to be a scrutineer at each polling-place in respect of such class or each of such classes of licences, whether there are any licences of such class or classes, or any of them, current in such district or not.

11. All nominations shall be handed to the returning officer seven clear days before the day fixed for the taking of the local option poll.

12. From the persons nominated such returning officer shall appoint one scrutineer in respect of each class of licences in respect of which nominations have been made under regulation 9 to act at each polling-place within the Local Option District, and one scrutineer in respect of each class of licences in respect of which nominations have been made under regulation 10, to act at each polling-place within the Local Option District.

13. Such returning officer shall forward to each person so appointed his appointment as such scrutineer.

*Forms.*

14. The forms set out hereunder may be used, with such variations as the case may require.

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## FORM 1.

Sec. 178.

## LOCAL OPTION PETITION.

To His Excellency the Governor of the State of South Australia.

The petition of the undersigned electors for the House of Assembly, registered on the electoral roll for the \_\_\_\_\_ Assembly District, and each of whom resides in the Local Option District of \_\_\_\_\_, which petition is made in pursuance of the provisions in that behalf of "The Licensing Act, 1908":

Humbly prays—

That a local option poll be taken within the said Local Option District of \_\_\_\_\_  
And your petitioners will ever pray, &c.

Signature of Elector.	Address.

## FORM 2.

Sec. 179.

## RETURNING OFFICER'S CERTIFICATE OF VALIDITY OF PETITION.

*Local Option District of* \_\_\_\_\_.

I, \_\_\_\_\_, Returning Officer for the Electoral District of \_\_\_\_\_, which constitutes the Local Option District of \_\_\_\_\_ (or, within which Electoral District the Local Option District of \_\_\_\_\_ is situated), do hereby certify that I have examined the local option petition presented to His Excellency the Governor of the State of South Australia on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, praying that a local option poll be taken in the Local Option District of \_\_\_\_\_, and the signatures thereto, and that such petition has been duly and properly signed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Returning Officer for the Electoral District of \_\_\_\_\_.

## FORM 3.

## NOTICE OF POLL.

*Local Option District of* \_\_\_\_\_.

Notice is hereby given that His Excellency the Governor of the State of South Australia, in pursuance of "The Licensing Act, 1908," has, by Order in Council, directed me to cause a poll of the electors to be taken in the Local Option District of \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Returning Officer for the Electoral District of \_\_\_\_\_.

## FORM 4.

## NOMINATION OF SCRUTINEER BY HOLDERS OF LICENCES.

*Local Option District of* \_\_\_\_\_.

We, the undersigned, being the holders of [state the class] licences, granted in respect of premises situate within the Local Option District of \_\_\_\_\_, do hereby nominate \_\_\_\_\_ to act as scrutineer at the local option poll to be taken on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ polling-place.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[Signatures of holders of licences.]

FORM

*The Licensing Act.—1908.*

## FORM 5.

NOMINATION OF SCRUTINEER BY PERSONS IN FAVOR OF THE GRANT  
OF A LICENCE.*Local Option District of*

We, the undersigned, being electors qualified to vote at a local option poll within the Local Option District of \_\_\_\_\_, and being in favor of the grant of a licence (or licences) of the class (or classes) hereunder mentioned, do hereby nominate the person (or each of the persons) named hereunder to act as scrutineer (or scrutineers) at \_\_\_\_\_ polling-place in respect of the said class (or the class of licences immediately preceding his name) at the local option poll to be taken on the \_\_\_\_\_ day \_\_\_\_\_, 19 \_\_\_\_.

With regard to \_\_\_\_\_ licences.....  
With regard to \_\_\_\_\_ licences.....

[and as the case requires.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

[Signatures of electors.]

## FORM 6.

NOMINATION OF SCRUTINEER BY PERSONS IN FAVOR OF THE REDUCTION OF  
LICENCES.*Local Option District of*

We, the undersigned, being electors qualified to vote at a local option poll within the Local Option District of \_\_\_\_\_, and being in favor of the reduction or exclusion of licences of the classes hereunder mentioned, do hereby nominate each of the persons named hereunder to act as scrutineers at \_\_\_\_\_ polling-place in respect of the class of licences immediately preceding his name at the local option poll to be taken on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

1. With regard to publican's licences.....
2. With regard to storekeeper's licences .. .. .
3. With regard to wine licences .. .. .
4. With regard to storekeeper's Australian wine licences .. .
5. With regard to club licences .. .. .

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

[Signatures of electors.]

## FORM 7 (a).

## APPOINTMENT OF SCRUTINEERS.

*Local Option District of*

I, A.B., hereby appoint \_\_\_\_\_, nominated by the holders of [state the class] licences, to act as scrutineer at \_\_\_\_\_ polling-place at the local option poll to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

A.B., Returning Officer for the \_\_\_\_\_ Electoral District.

## FORM 7 (b).

*Local Option District of*

I, A.B., hereby appoint \_\_\_\_\_, nominated by [state the number] electors who are in favor of the grant of a [state the class] licence, to act as scrutineer at \_\_\_\_\_ polling-place at the local option poll to be taken on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

A.B., Returning Officer for the \_\_\_\_\_ Electoral District.

FORM

*The Licensing Act.—1908.*

## FORM 7 (c).

*Local Option District of*

I, A.B., hereby appoint \_\_\_\_\_, nominated by [*state the number*] electors who are in favor of the reduction (or exclusion) of [*state the class*] licences, to act as scrutineer at \_\_\_\_\_ polling-place at the local option poll to be taken on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.  
A.B., Returning Officer for the \_\_\_\_\_ Electoral District.

## FORM 8.

Sec. 181.

## CERTIFICATE THAT ELECTOR'S NAME IS ON ELECTORAL ROLL.

I, \_\_\_\_\_ Returning Officer for \_\_\_\_\_ Electoral District (or for the State of South Australia) hereby certify that the name of [*full name of the elector as stated on the Electoral Roll*] appears on the Electoral Roll as entitled to vote at \_\_\_\_\_ polling-place, situate in the said Electoral District, at elections for the House of Assembly.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.  
\_\_\_\_\_, Returning Officer.

## FORM 9.

Sec. 181.

## DECLARATION OF IDENTITY BY ELECTOR.

[*To be annexed to the Certificate.*]

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly and sincerely declare that I am the person described as \_\_\_\_\_, of \_\_\_\_\_, in the annexed certificate, and that I reside at \_\_\_\_\_, a place situate within the Local Option District of \_\_\_\_\_, and that I have not previously voted at the local option poll now being taken in the said District.

Declared at [*polling-place*] this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, before me.  
\_\_\_\_\_, Presiding Officer.

## FORM 10.

Sec. 183.

## FORM OF BALLOT-PAPER.

"The Licensing Act, 1908."

The elector is entitled to record only one vote on this paper, which will be counted as recorded in favor of the resolution printed opposite to the square in which the elector places a cross.

## RESOLUTIONS.

1. That the number of licences be reduced ..... ☐
2. That the number of licences be not increased or reduced ..... ☐
3. That the Licensing Bench may in their discretion increase the number of licences ..... ☐

FORM

*The Licensing Act.—1908.*

**Sec. 187.**

**FORM 11.**

## DECLARATION OF DETERMINATION OF ELECTORS.

**"The Licensing Act, 1908."**

I hereby declare that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, a poll of the electors of the Local Option District of \_\_\_\_\_ was taken pursuant to the above-mentioned Act, and that on taking such poll the determination arrived at was as follows :—

[Here state the resolution which was adopted, thus—

1. *That the number of licences be reduced ;*

or

**2. That the number of licences be not increased or reduced :**

or

3. That the Licensing Bench may, in their discretion, increase the number of licences,

(as the case may require).]

Dated the                      day of                      19                      .

**, Returning Officer.**

**Sec. 198.**

## SCHEDULE Y.

### NOTICE OF NON-RENEWAL OF LICENCE.

**“ The Licensing Act, 1908.”**

To A.B.

Pursuant to the provisions of "The Licensing Act, 1908," I hereby give you notice that, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, a poll of the electors of the Local Option District of \_\_\_\_\_ was taken, and that the following resolution was adopted on the taking of such poll, namely [*set out resolution adopted*]: And I further give you notice that the licence issued in respect of the premises situated [*describe situation or locality*], and known as [*give name or otherwise describe*], will not be renewed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

**C.D., Clerk of the Licensing Bench for the Licensing District of**

**Sec. 209.**

**SCHEDULE Z.**

**FORM OF ORDER FOR PAYMENT OF MONEY BY LICENSING BENCH.**

**"The Licensing Act, 1908."**

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand nine hundred and \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_ is ordered by the Licensing Bench, for the Licensing District of \_\_\_\_\_, under "The Licensing Act, 1908," to pay to \_\_\_\_\_ the sum of \_\_\_\_\_ for his costs of \_\_\_\_\_ [or as the case may be], or to be committed to Adelaide [or as the case may be] Gaol for the space of \_\_\_\_\_ Chairman of the said Licensing Bench.

# THE ELECTORAL CODE, 1908

(No. 971 of 1908).

## ARRANGEMENT OF SECTIONS.

### SECTION.

1. Short title and commencement.
2. Repeal.
3. Application of Act.
4. Chapters.
5. Interpretation.
6. Constitution unaltered by Act.

### CHAPTER I.—INTRODUCTORY.

7. Constitution of Parliament.
8. Legislative Council.
9. House of Assembly.
10. Council districts.
11. Assembly districts.
12. Names of Assembly districts.
13. Electoral divisions of Council districts.
14. Places of nomination.
15. Council electors.
16. Assembly electors.
17. Disqualifications.
18. Special disqualification in the Northern Territory.
19. One registration.
20. Place of voting.
21. Where person deemed to reside.
22. One vote only.
23. Elections.

### CHAPTER II.—ADMINISTRATION.

24. Returning Officer for the State.
25. Deputy Returning Officer for the State.
26. Temporary appointments in case of incapacity.
27. Returning officers.
28. Assistant returning officers.
29. Deputy returning officers for Council districts.
30. Declaration to be made by officers before acting.
31. Returning officer or assistant not to resign pending return of writ.
32. Notice of appointments.
33. Temporary assistants.
34. Temporary appointments in case of incapacity of officer.
35. Disqualification for office.
36. Continuation of present officers.
37. Keeping of forms by officers.
38. Forms to be supplied to postmasters and others.
39. Notice of instructions as to procedure.

### CHAPTER III.—SUB-DISTRICTS AND POLLING-PLACES.

40. Sub-districts.
41. Polling-place in train in Northern Territory.
42. Polling-places.
43. Opening and closing of polling-places.
44. No alteration in polling-places after issue of writ, except in case of emergency.
45. Change of electors from one roll to another in case of change of boundaries.

### SECTION.

### CHAPTER IV.

#### PART I.—ROLLS.

46. Polling-place or sub-district roll. Division and district roll.
47. Northern Territory rolls.
48. Arrangement with Commonwealth.
49. Persons entitled to have their names on roll.
50. New rolls.
51. Existing rolls.
52. Form of rolls.
53. Rolls not to be questioned.
54. Arrangement of rolls.
55. Printing of rolls.
56. Supplemental rolls.
57. Rolls to be dated.
58. Officers to furnish information for preparation of rolls.
59. Police to supply information.
60. Copies of rolls to be sent to returning officers.
61. Public inspection of rolls.
62. Further inspection.
63. Inspection of original rolls.
64. Rolls and documents not to be invalidated.
65. Misnomer or inaccurate description not to vitiate roll.

#### PART II.—CLAIMS, TRANSFERS, CHANGES, AND ALTERATIONS OF ROLLS.

66. Addition of names.
67. Council claim and declaration.
68. Assembly claim.
69. Evidence in support of claim.
70. Registration.
71. Application to transfer to another division or district roll.
72. Registration of transfer.
73. Change to another polling-place or sub-district roll.
74. Receipts for claims and applications.
75. Alteration of rolls.
76. Returning officer to make inquiries as to claim or application.
77. Time for altering rolls.
78. Alterations to be initialed.
79. Lists of marriages to be forwarded by Registrar-General.

#### PART III.—REMOVAL OF NAMES FROM ROLLS.

80. Returning Officer of the State to require proof of right to be on roll.
81. Notice of striking off.
82. Lists of deaths to be forwarded by Registrar-General.

#### PART IV.—APPEALS.

83. Appeal against rejection of claim, striking off, or refusal to strike off.
84. Time for appeal.

## SECTION.

- 85. Notice of hearing.
- 86. Returning officer may appear or send a statement.
- 87. Persons entitled to be heard.
- 88. Court to determine.
- 89. Returning officer to give effect to order.
- 90. Court to have powers of summary jurisdiction.
- 91. How notices may be sent.

## CHAPTER V.—ELECTIONS.

## PART I.—THE WRITS.

- 92. Issue of writs.
- 93. Dates to be fixed by writ.
- 94. Polling day.
- 95. Date of nomination.
- 96. Date of polling.
- 97. Issue and return of writs.
- 98. Nominations.
- 99. Writs, how directed.
- 100. Duty of returning officer on receipt of writ.

## PART II.—THE NOMINATIONS.

- 101. Nominations.
- 102. Disqualification of Federal members for State Parliament.
- 103. Mode of nomination.
- 104. Requisites for nomination.
- 105. Time and place for nominations.
- 106. Proceedings on nomination day.
- 107. Returning officer to notify Returning Officer for State names of candidates nominated.
- 108. In case of death before poll or on polling day.
- 109. When poll interrupted by death, ballot-papers destroyed.
- 110. Failure of election.

## PART III.—ABSENT VOTERS.

- 111. Absent voters and authorised witnesses.
- 112. Form of declaration and ballot-paper.
- 113. Directions for absent voting.
- 114. Ballot-paper to be received before close of poll.
- 115. Duty of authorised witness.
- 116. Evidence of voter's signature.
- 117. Evidence of date of voting.
- 118. Absent voters' papers to be placed in ballot-box.
- 119. Conduct of scrutiny.
- 120. Invalidity of declaration.
- 121. Rejected papers to be preserved.
- 122. Returning officer to decide.
- 123. Mistakes.

## PART IV.—THE POLLING.

- 124. Polling.
- 125. Duties of returning officer.
- 126. Lists of voters.
- 127. Presiding officer.
- 128. Presiding officer may appoint substitute in emergency.
- 129. No licensed premises to be used.
- 130. Certain buildings to be used free.
- 131. Separate compartments.
- 132. Ballot-boxes.
- 133. Ballot-papers to be printed by Returning Officer for the State and forwarded to returning officers.
- 134. Ballot-papers.
- 135. Ballot-papers initialed.
- 136. Scrutineers.
- 137. Number of scrutineers.
- 138. Appointment, how made.
- 139. Persons present at polling.
- 140. The polling.
- 141. At what polling-place elector may vote.
- 142. Mode of voting.
- 143. Ballot-paper to be handed to elector.
- 144. Mode of voting.
- 145. Voters to be alone in compartment.
- 146. Ballot-papers not to be taken out of polling-booth.
- 147. Assistance to voters.

## SECTION.

- 148. Spoilt ballot-papers.
- 149. Questions to persons wishing to vote.
- 150. Answers.
- 151. Answer conclusive.
- 152. Errors not to forfeit vote.
- 153. Adjournment of polling on account of riot.
- 154. Adjournment in other cases.
- 155. If poll adjourned presiding officer to lock and seal outer lid of ballot-box.
- 156. Voting at adjourned polling.
- 157. Presiding officer to forward to returning officer signed list of voters immediately after close of poll.

## PART V.—THE SCRUTINY.

- 158. Scrutiny.
- 159. General provisions as to scrutiny.
- 160. Scrutiny of votes in Council elections.
- 161. Re-scrutiny at Council elections.
- 162. Scrutiny of votes in Assembly elections.
- 163. Re-scrutiny at Assembly elections.
- 164. Custody of ballot-papers after scrutiny.

## PART VI.—THE RETURN OF THE WRITS.

- 165. Return of writ..
- 166. Returns to be sent to Returning Officer for the State.

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- 167. Correction of errors.
- 168. Extension of time.

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- 169. Electoral expenses.
- 170. Rates of expenditure.
- 171. Expenses allowed.
- 172. Money provided to be paid to candidate.
- 173. Vouchers.
- 174. Returns.
- 175. Petition to Court of Disputed Returns on failure to file return.
- 176. Publication and inspection of returns.
- 177. Candidate to prove that he has not incurred illegal expense.
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- Twenty-first—Form of return of electoral expenses.
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ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

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No. 971.

An Act to Amend and Codify the Electoral Laws.

[Assented to, December 23rd, 1908.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Electoral Code, 1908," and shall come into operation on a day to be fixed by Proclamation. Short title and commencement.

2. The enactments mentioned in the First Schedule are hereby repealed to the extent stated in such Schedule. Repeal.

3. This Act applies only to Parliamentary elections.

Application of Act.  
Electoral Code, s. 3.

4. This Act, except the preliminary sections, is divided into the following Chapters:— Chapters.  
Ibid., s. 4.

CHAPTER I.—Introductory.

CHAPTER II.—Administration.

CHAPTER III.—Sub-Districts and Polling-places.

CHAPTER IV.—

PART I.—The Rolls:

PART II.—Claims, Transfers, Changes, and Alterations of Rolls:

PART III.—Removal of Names:

PART IV.—Appeals.

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## CHAPTER V.—Elections—

## PART I.—The Writs:

## PART II.—The Nominations

## PART III.—Absent Voters:

## PART IV.—The Polling:

## PART V.—The Scrutiny:

## PART VI.—The Return of the Writ.

## CHAPTER VI.—Electoral Expenditure.

## CHAPTER VII.—Offences and Penalties.

## CHAPTER VIII.—Disputed Returns.

## CHAPTER IX.—Supplementary.

Interpretation.  
Ibid, s. 5, with  
additions.

5. In this Act, except where another intention is clearly shown—

“Assembly” means the House of Assembly:

“Assembly District” means an Electoral District for the return of Members to serve in the Assembly:

“British subjects” includes naturalised as well as natural born British subjects:

“Candidate” means a person who within three months before the polling day directly or indirectly offers himself for election by any constituency, or who directly or indirectly within such time seeks to influence any constituency or electors with a view to so offering himself:

“Commonwealth” means the Commonwealth of Australia:

“Council” means the Legislative Council:

“Council District” means an Electoral District for the return of Members to serve in the Council:

“District” or “Electoral District” means an Assembly or Council District:

“Division” means an Electoral Division of a Council District:

“Election” means an election of a Member or Members to serve in the Council or Assembly:

“Elector” means a person whose name appears on an electoral roll as an elector:

“*Gazette* notice” means notice published in the *Government Gazette*:

“Houses”

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- “Houses” means the two Houses constituting the Parliament:
- “House” means either of such two Houses:
- “Improvements” means substantial and permanent improvements, consisting of buildings, fencing, dams, tanks, wells, or reservoirs, or clearing, or drainage or irrigation works: Act 920, 1907, s. 3.
- “Justice of the Peace” means a Justice of the Peace for the State of South Australia:
- “Local governing body” means a Municipal Corporation or District Council:
- “Minister” means the Minister of the Crown for the time being administering this Act:
- “Naturalised” means naturalised under a law of the United Kingdom of Great Britain and Ireland, or who is or is deemed to be naturalised under the Act of the Commonwealth of Australia, intituled the “Naturalisation Act, 1903”: Com. 11, 1903.
- “Officiating minister of religion” means an officiating minister of religion within the meaning of “The Marriage Act, 1867”:
- “Officers” includes all officers appointed under this Act, or exercising any power, or discharging any duty under this Act:
- “Parliament” means the Parliament of the State:
- “Postmaster,” except in section 15, means a person appointed to take charge of a post office, and includes a postmistress, and also the person for the time being executing the functions of a postmaster:
- “Prescribed” means prescribed by this Act, or by regulations made under this Act:
- “Presiding officer” means the Returning Officer presiding and taking the poll at any polling-place at an election, or the person appointed by him for that purpose, or the substitute duly appointed of the presiding officer:
- “Proclamation” means Proclamation by the Governor published in the *Government Gazette*:
- “Returning Officer,” except in Part III. of Chapter IV., means the person appointed for a District to conduct elections under this Act, and includes, except in Parts I. and II. of Chapter V., the Deputy Returning Officer for a Division:
- “Roll” or “electoral roll” means an electoral roll of electors formed for a Division or for an Assembly District, and includes supplemental rolls:
- “Sub-district” means a sub-district of an Assembly District, or, where necessary, a sub-district of a Division:
- “The State” means the State of South Australia.

**6. Nothing**

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Constitution  
unaltered.  
Code, s. 7.

**6.** Nothing in this Act shall alter the present constitution of either House. This has been fixed by "The Constitution Act" and its amendments, and when mentioned herein is shortly stated in declaratory sections for convenient reference only.

The whole of the Introductory Chapter (except sections 14, 21, and 22) and section 102 are declaratory.

## CHAPTER I.

## CHAPTER I.—INTRODUCTORY.

Constitution of  
Parliament.  
Code, s. 8.

**7.** The Parliament consists of a Legislative Council and a House of Assembly.

Legislative Council.

**8.** The Legislative Council at present consists of eighteen Members.

House of Assembly.

**9.** The House of Assembly at present consists of forty-two Members.

Council Districts.

**10.** The State, including the Northern Territory, is at present divided for electoral purposes into four Council Districts, respectively distinguished by the names, and returning the numbers of Members, and comprising the Assembly Districts set forth in the Second Schedule.

Assembly Districts.

**11.** For the purpose of electing Members of the House of Assembly the State, excluding the Northern Territory thereof, is at present divided, in manner hereinafter mentioned, into twelve Districts, and the Northern Territory is one District.

Names of Assembly  
Districts.

**12.** The Assembly Districts are respectively distinguished by the names and return the number of Members set forth in the Second Schedule.

Electoral Divisions of  
Council Districts.

**13.** Every Assembly District is also a Division of the Council District in which it is situated.

Places of nomination,  
chief and other  
polling-places.  
Cf. Code, s. 12.  
Council electors.

**14.** The places of nomination for the various Districts shall be for the present as set forth in the Second Schedule.

**15.** The following persons are entitled to vote at an election of a Member or Members of the Council, namely:—

Act 920, 1907, s. 4.

- i. Any person occupying a dwelling-house, or a dwelling-house and premises appurtenant thereto, in respect whereof such person is liable for and pays a rent at the rate of not less than Seventeen Pounds per annum; but any payment by way of rent made by a wife to her husband is not deemed to be payment of rent within the meaning of this section:

ii. Any

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## CHAPTER 1.

- ii. Any person who is the registered proprietor of a Crown lease on which there are improvements to the value of at least Fifty Pounds which are the property of such registered proprietor:
- iii. Any person who has a freehold estate in possession, either legal or equitable, situate within the State of the clear value of Fifty Pounds sterling above all charges and encumbrances affecting the same: Act 2, 855-6, s. 6.
- iv. Any person who has a leasehold estate in possession situate within the State of the clear annual value of Twenty Pounds, the lease having been duly registered and having three years to run at the time of voting, or containing a clause authorising the lessee to become the purchaser of the land thereby demised: Ibid., s. 4.
- v. Every officiating minister of religion: Act 920, 1907, s. 4.
- vi. Every head teacher of a college or school who resides in premises belonging to or used in connection with such college or school:
- vii. Every postmaster or postmistress in charge of and resident in a building used as or in connection with a post office:
- viii. Every railway stationmaster who resides in premises belonging to His Majesty's Government of the State:
- ix. Every member of the Police Force in charge of a police station:

Provided that such persons are of the age of twenty-one years, are British subjects and inhabitants of the State, and have resided in the State six months prior to the registration of their electoral claims: And provided they have been registered on the Council roll prior to the issue of the writ for the election of such Member or Members.

**16.** The following persons are entitled to vote for the election of a Member or Members of the Assembly, namely:—All persons of the age of twenty-one years, whether male or female, married or unmarried— House of Assembly electors.  
Act 876, 1904, s. 4.

- (a) Who have lived in the State for six months continuously; and
- (b) Who are natural born or naturalised subjects of the King; and
- (c) Whose names are on the electoral roll for the Assembly District.

**17.** Notwithstanding anything in this Act, no person shall be entitled to vote at any election who Disqualifications.  
Act 876, 1904, s. 4.

- (a) Is of unsound mind; or

- (b) Has

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- (b) Has been attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of any part of the King's dominions by imprisonment for one year or longer.

Special disqualification in the Northern Territory.  
Code, s. 16.

**18.** Persons brought into the Northern Territory under "The Northern Territory Indian Immigration Act, 1882," and persons residing in the Northern Territory, except natural born British subjects and Europeans and citizens of the United States of America naturalised as British subjects, are disqualified from voting.

One registration.  
Ibid., s. 18.

**19.** No person may at the same time be registered on more than one Council roll or on more than one Assembly roll.

Place of voting.  
Ibid., s. 19.

**20.** No person may vote at any election except an election for the Council District or Assembly District in which he resides.

Where person deemed to reside.  
W.A., 27, 1907, s. 17.

**21.** For the purposes of this Act a person shall be deemed to reside within the District, Division, or sub-district wherein he has his usual place of residence, notwithstanding his occasional absence from such District, Division, or sub-district.

One vote only.  
New.  
Elections.  
Code, s. 20, adapted.

**22.** No person shall vote more than once at the same election.

**23.** The following elections are required to be held:—

- i. Periodical elections for the Council to supply the places of Members retiring by effluxion of time :
- ii. General elections for the Assembly, in the event of the Assembly expiring by effluxion of time :
- iii. Elections for supplying casual vacancies in either House :
- iv. General elections for the Assembly or for both Houses, in the event of the dissolution of the Assembly or of both Houses :
- v. Elections for additional Members of the Council pursuant to writs issued under the constitutional provisions for the settlement of deadlocks between the two Houses.

**CHAPTER II.****CHAPTER II.—ADMINISTRATION.**

Returning Officer for the State.  
Code, s. 21.

**24.** (1) There shall be a Returning Officer for the State, to be appointed by the Governor.

(2) The Returning Officer for the State shall be responsible, under the Minister, for the execution of this Act.

Deputy Returning Officer for the State.  
N.Z., 29, 1905, s. 30.

**25.** The Governor may appoint a Deputy Returning Officer for the State, who, under the control of the Returning Officer for the State, shall perform such general official duties as he is called upon to perform, and who, in case of the illness, absence, or other temporary



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## CHAPTER II.

temporary incapacity of the Returning Officer for the State, shall act in his name and on his behalf, and who, while so acting, shall have and may exercise all the powers, duties, and functions of the Returning Officer for the State.

**26.** If at any time both the Returning Officer for the State and the Deputy Returning Officer for the State are from any cause incapable of acting, the Governor may appoint a person to discharge the duties of the office, who may exercise all the powers, duties, and functions of the Returning Officer for the State.

Temporary appointments in case of incapacity.

Ibid.

**27.** (1) There shall be a Returning Officer for each Council and each Assembly District, to be appointed by the Minister on the recommendation of the Returning Officer for the State.

Returning Officers.  
Code, s. 21.  
Com., s. 7.

(2) Each Returning Officer shall be responsible, subject to any directions of the Returning Officer for the State, for the execution of this Act in his District.

**28.** (1) The Minister may, on the recommendation of the Returning Officer for the State, appoint Assistant Returning Officers to assist a Returning Officer.

Assistant Returning Officers.  
Tas., 6, 1907, s. 7.

(2) An Assistant Returning Officer may exercise all the powers of the Returning Officer, subject to such limitations as are—

- (a) Expressed in his appointment; or
- (b) Prescribed by the Regulations; or
- (c) Directed by the Returning Officer.

**29.** Each Assembly District Returning Officer shall, as regards that Division of a Council District which corresponds with his Assembly District, be the Deputy Returning Officer for such Council District.

Deputy Returning Officers for Council Districts.  
Code, s. 22.

**30.** Every person hereafter appointed Returning Officer for the State, or Deputy Returning Officer for the State, or a Returning Officer, shall, before he enters on the performance of any duty of such office, make and subscribe before a Justice of the Peace the following declaration, and transmit the same, on the first convenient opportunity, to the Minister:—

Declaration to be made by officers before a Justice and be transmitted to Minister.  
Cf. Code, s. 33.

“I, \_\_\_\_\_, do hereby declare that I accept the office of \_\_\_\_\_ and I do hereby promise and declare that I will faithfully perform the duties of the same, to the best of my understanding and ability, and that I will not reveal or disclose any knowledge that I may acquire in the discharge of my said office touching the vote of any elector.”

[Signature of declarant.]

Declared before me, at \_\_\_\_\_, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_\_.

Justice of the Peace.

**31.** No

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## CHAPTER 11.

Returning Officer or Assistant not to resign pending return of writ.

W.A., 27, 1907.  
s. 13.

**31.** No Returning Officer, Deputy Returning Officer, or Assistant Returning Officer shall, without the consent of the Minister, resign his office after the issue of a writ for an election for the District for which he is the Returning Officer, or a Deputy Returning Officer, or an Assistant Returning Officer, until such writ is executed and returned; but such resignation, though without consent, shall not invalidate the election.

Notice of appointments.

Cf. Code, s. 26.

**32.** A *Gazette* notice shall be given as soon as practicable of every appointment of a Returning Officer.

Temporary assistants.

W.A., 27, 1907,  
s. 16.

**33.** The Minister may, on the recommendation of the Returning Officer for the State, appoint such temporary assistants as he considers requisite for the due administration of this Act.

Temporary appointments in case of incapacity of officer.

Tas. 6, 1907, s. 7.

**34.** If at any time any Returning Officer, Assistant Returning Officer, or temporary assistant is from any cause incapable of acting, the Returning Officer for the State may appoint a person to discharge the duties of the office temporarily, and whilst so acting such person shall have and may exercise all the powers, duties, and functions of the officer in whose place he is appointed.

Disqualification for office.

W.A. 27, 1907, s. 16.  
Cf. Code, s. 31.

**35. (a)** No candidate and no person holding any official position in connection with any political organisation or election committee shall be appointed an officer under this Act.

**(b)** If any such officer becomes a candidate, or is elected, appointed, or otherwise becomes an official of any political organisation or election committee, he shall be deemed to have vacated the office held by him under this Act, and some other person shall be appointed in his stead.

Continuation of present officers.

Cf. Code, s. 32.  
Com 12, 1901, s. 26.

**36.** All officers administering the electoral law at the time when this Act comes into operation, except Assistant Returning Officers appointed for outlying portions of districts under "The Electoral Code, 1896," are continued in their offices as if appointed under this Act, and are hereby empowered and required to exercise the powers and perform the duties of such offices.

Keeping of forms by officers.

Code, s. 29.  
Com., s. 10.

**37.** The Returning Officers shall keep all necessary electoral forms, and shall without fee supply the same and fill them up and assist the public in their proper use.

Forms to be supplied to postmasters, &c.

Cf. Code, s. 27.

**38.** Electoral forms shall be supplied to every postmaster, every clerk of a Municipal Corporation or District Council, and every officer in charge of a police station, and to such other persons as are approved by the Returning Officer for the State, and such forms shall have printed on the back "To the Returning Officer for the State, Adelaide."

**39.** The

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**39.** The Returning Officer for the State shall cause to be exhibited in a prominent place at all post offices a notice in bold type giving full instructions as to the procedure for the registration, transfer, and change of electors' names in electoral rolls and the alteration and correction of electoral rolls.

## CHAPTER II.

Notice of instructions  
as to procedure.

## CHAPTER III.—SUB-DISTRICTS AND POLLING-PLACES.

## CHAPTER III.

**40.** (1) The Governor may, in any case in which he thinks fit so to do, by Proclamation, divide any Assembly District into such sub-districts as he deems convenient, and, subject to this Act, may alter the boundaries of sub-districts.

Sub-districts.  
Com., s. 24.

(2) The sub-districts of an Assembly District shall be also sub-districts of the corresponding Division of a Council District.

**41.** The Returning Officer for the District of Northern Territory may set apart a compartment in a train travelling on the Port Darwin to Pine Creek Railway in the Northern Territory as a polling-place for the said district. Electors may vote in such compartment wherever such train may stop from time to time and whilst the train is so stopping during the hours set apart for the polling at an election: Provided that an elector so voting shall vote under the provisions of paragraph (b) of section 141.

Polling-booth in  
train.

**42.** (1) The chief and other polling-places for the various Districts shall be for the present as set forth in the Second Schedule.

Polling-places.  
Code, s. 12.

(2) Upon the division of a District into sub-districts the polling-places then within a sub-district shall, until altered, be the polling-places for such sub-district.

**43.** Any polling-place may be opened or closed for either or both Houses by Proclamation, pursuant to addresses of both Houses passed during the same Session.

Opening and closing  
of polling-places.  
Ibid., s. 13.

**44.** (1) After the issue of a writ for an election in any District and until such election is over no change shall be made in the polling-places for that District.

No alteration in  
polling-places after  
issue of writ.  
New.

(2) If from any cause the taking of the poll at any polling-place is considered by the Minister, on a certificate from the Returning Officer for the State, to be impracticable, the Governor may, by notice in the *Government Gazette*, direct that such polling-place shall for the purpose of such election be closed.

Except in case of  
emergency.

(3) The closing of any polling-place as mentioned in subsection (2) of this section shall in no way affect the validity of the election.

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## CHAPTER III.

Change of electors  
from one polling-  
place to another.  
Com., s. 26.

**45.** When a polling-place is opened or closed, or a District is divided into sub-districts, or the boundaries of a District or sub-district are altered, the Minister may, by *Gazette* notice, give such directions as are thereby rendered necessary or expedient for the change of electors from one roll to another, and effect shall be given forthwith to the directions contained in such notice.

## CHAPTER IV.

## PART I.

Polling-place or sub-  
district rolls.  
Code, s. 35.  
Com., s. 28.

Ibid.

Division and district  
roll.  
Ibid.

Northern Territory  
rolls.

Arrangement with  
Commonwealth.  
Cf. Com., s. 30.

## CHAPTER IV.

## PART I.—ROLLS.

**46.** (1) There shall be a roll of electors for each Division and for each Assembly District prepared and kept by the Returning Officer for the State.

(2) There shall be a separate roll for each polling-place, in this Act called a "polling-place roll."

(3) There shall be a separate roll for each sub-district, in this Act called a "sub-district roll."

(4) All the polling-place or sub-district rolls for a Division or an Assembly District shall together form the roll for such Division or District.

**47.** Notwithstanding anything contained in clause 46, the Returning Officer and Deputy Returning Officer for the District and Division of Northern Territory and the Assistant Returning Officers for such District and Division shall, as directed by the Returning Officer for the State, prepare and keep the electoral rolls for such District and Division.

**48.** (1) The Governor may arrange with the Governor-General of the Commonwealth for the preparation, alteration, and revision of the Assembly rolls in any manner consistent with the provisions of this Act, jointly by the State and the Commonwealth, to the intent that the rolls may be used as electoral rolls for Commonwealth elections as well as for State elections.

(2) When any such arrangement has been made the rolls may contain for the purposes of such Commonwealth elections—

- (a) The names and descriptions of persons who are not entitled to be registered thereon as electors of the State, provided that it is clearly indicated in the prescribed manner that those persons are not registered thereon as State electors;
- (b) Distinguishing marks against the names of persons registered as State electors to show that those persons are or are not also registered as Commonwealth electors;
- (c) Other particulars in addition to the prescribed particulars; and for the purpose of this Act the names and descriptions, marks, and particulars so contained shall not be deemed part of the roll.

**49.** (1) Any

*The Electoral Code.—1908.*CHAPTER IV.  
PART I.

**49.** (1) Any person entitled to vote at an election for the Council, or who would be entitled so to vote if his name were upon a roll, shall be entitled to have his name placed upon one polling-place or sub-district roll for the Division in which he resides: Provided that he may have his name placed only upon the roll for the sub-district in which he resides.

Persons entitled to have their names on roll.

Com., s. 31.

(2) Any person entitled to vote at an election for the Assembly, or who would be entitled so to vote if his name were upon a roll, shall have his name placed upon one polling-place or sub-district roll for the District in which he resides: Provided that he may have his name placed only upon the roll for the sub-district in which he resides.

**50.** New rolls generally and new rolls for any polling-place, sub-district, Division, or Assembly District shall be prepared, whenever directed by Proclamation, and by the person or persons and in the manner specified in the Proclamation, or any subsequent Proclamation, or prescribed by regulation, and shall come into force at the date stated in the first-mentioned or any subsequent Proclamation.

New rolls.

Tas, 6, 1907, s. 22

and  
W.A., 27, 1907, s. 37.

**51.** Until new rolls prepared under this Act come into operation the rolls in existence at the time when this Act comes into operation shall, as added to or altered from time to time, be the rolls of electors.

Existing rolls.

W.A., 27, 1907, s. 39.

**52.** Rolls may be in the forms set forth in the Third and Fourth Schedules, and shall contain the particulars indicated in such forms.

Form of rolls.

**53.** The rolls shall be conclusive as to the right to vote of the electors registered thereon, and shall not be questioned except in accordance with Part III. of Chapter IV., or sections 142, 143, and 149.

Rolls not to be questioned.

Code, s. 36.

**54.** Rolls shall be arranged in alphabetical order of surnames, and where the surnames are identical, then in alphabetical order of the Christian names.

Arrangement of rolls.

**55.** The rolls generally, or the roll for any Division, District, sub-district, or polling-place, shall be printed whenever the Minister so directs.

Printing of rolls.

Code, s. 42 adapted.

**56.** Supplemental rolls, setting out additions and alterations since the last print, shall also be prepared and printed, whenever practicable, immediately previous to a general election, and if time permits, whenever a vacancy occurs in the representation of any District, and at such other times as the Minister directs.

Supplemental rolls.

Code. 43 adapted.

**57.** The

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PART 1.

Rolls to be dated.  
New.  
Officers to furnish  
information.  
W.A., 27, 1907, s. 35.

**57.** The date to which any roll or supplemental roll is made up shall appear on such roll or supplemental roll.

**58.** All public officers in the service of the State, and all officers in the service of any local governing body, are hereby authorised and required to furnish to the Returning Officer for the State all such information as he requires to enable him to prepare or to revise the rolls, and may make all such inquiries of any person as may be necessary for obtaining such information.

Police to supply  
information.  
N.Z., 29, 1905, s. 41.

**59.** All members of the Police Force shall assist the Returning Officer for the State by making inquiries, collecting information, obtaining claims, and otherwise as he requests.

Copies of rolls to be  
sent to Returning  
Officers.  
W.A., 27, 1907, s. 36.

**60.** The Returning Officer for the State shall, as soon as possible after the issue of the writ for an election, supply to the Deputy Returning Officer for each Division of the Council District or the Returning Officer for the Assembly District (as the case may be) in which the election is to be held a copy of the electoral roll for such Division or Assembly District, signed by the Returning Officer for the State, which copy shall for the purposes of the election be deemed to be the roll for such Division or Assembly District.

Public inspection of  
rolls.  
Cf. Code, s. 45.

**61.** The last print of the roll for any Division or for any Assembly District, shall be open for public inspection, without fee, at the office of the Returning Officer for the State, and shall be obtainable thereat at the price of One Shilling for each copy. A copy of a sub-district roll or polling-place roll or of a supplemental roll shall be supplied at the price of Six Pence each.

Further inspection.  
Cf. Code, s. 46.

**62.** The last print of the roll for any Division or for any Assembly District, shall also be open for public inspection at the office of the Returning Officer, and at every post office, police station, institute within the meaning of the "Public Library, Museum, and Art Gallery Act, 1883-4," or any Act amending or substituted for that Act, Municipal Corporation office, and District Council office within such Division or District, and shall be obtainable from the Returning Officer at the price of One Shilling for each copy. A copy of a sub-district roll or polling-place roll or of a supplemental roll shall be supplied at the price of Six Pence.

Inspection of original  
rolls.  
Cf. Code, s. 44.

**63.** The Returning Officer for the State shall forward quarterly to the several Returning Officers and to all postmasters and officers in charge of police stations lists of all names of electors added to or removed from the rolls of their respective districts and of all alterations and corrections made in such rolls.

Such lists shall be open for inspection without fee at the offices of such Returning Officers and at all post offices and police stations.

**64.** No

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**64.** No roll shall be invalidated by reason only that it is not prepared, printed, issued, kept, or published in the place or manner or for the time required by this Act, nor by reason of any error in the copying or printing of the same.

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PART I.

Rolls and documents  
not to be invalidated.  
N.Z., 29, 1905, s. 69.

**65.** A misnomer, or inaccurate description of any person, place, or thing named or described in any roll required to be made under this Act, or in any notice required by this Act, shall not in any way prevent or abridge the operation of this Act with respect to such person, place, or thing if such person, place, or thing is so designated as to be commonly understood.

Misnomer, &c., not to  
vitiate roll.  
Ibid., s. 70.

PART II.—CLAIMS, TRANSFERS, CHANGES, AND ALTERATIONS  
OF ROLLS.

## PART II.

**66.** All registrations shall be effected pursuant to—

Addition of names.  
Code, s. 47.

- (a) Claims to be registered ; or
- (b) Applications to transfer; or
- (c) Applications to change.

**67.** (1) Every person claiming to be registered upon an electoral roll for the Council shall make a claim and declaration in the form in the Fifth Schedule, and shall sign and declare the same in the presence of a witness, who shall sign his name and add his address and occupation or description to the claim and declaration.

Council claim and  
declaration.  
920, 1907, s. 8

(2) Such witness shall be either a Justice of the Peace, Returning Officer, postmaster, or member of the Police Force, or the Returning Officer for the State.

(3) The claimant shall send the claim and declaration to the Returning Officer for the State.

**68.** (1) Every person entitled to be registered upon an electoral roll for the Assembly shall make a claim in the form in the Sixth Schedule, and shall sign the same before a witness and forward it to the Returning Officer for the State.

Assembly claim.  
New.

(2) The witness before whom the claim is signed shall be an elector or a person qualified to be an elector, and the witness shall sign his name and add his address and occupation or description to the claim.

**69.** (1) Every claimant under either of the next two preceding sections shall, if and when required by the Returning Officer for the State, furnish such evidence in support of his claim as such Returning Officer for the State demands.

Evidence in support  
of claim.  
Cf. 920, 1907, s. 8.

(2) Until such evidence is so furnished the name of the claimant shall not be entered upon the roll.

**70.** (1) Upon

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PART II.****Registration.****Cf. Com., s. 57.**

**70.** (1) Upon the receipt of a claim the Returning Officer for the State shall note on the claim the date of its receipt by him, and if the claim is in order and he is satisfied that the claimant is entitled to be registered on the roll he shall file such claim in his office, and, subject to section 77, register the claimant by entering his name and particulars relating to him on the roll.

(2) If the claim is rejected the Returning Officer for the State shall forthwith serve on the claimant a notice of his decision in the form in the Seventh Schedule. Such notice shall be deemed to be duly served if posted addressed to the claimant at the address stated in his claim, and to be received upon the date upon which it would be received in the usual course of post.

**Application to transfer to another division or district.****Com., s. 58, 59, and 60.****Cf. 876, 1904, s. 10.**

**71.** (1) When a person whose name is on the roll of any Division or Assembly District has removed therefrom and resided in another Division or Assembly District for one month, he shall have his name transferred to the electoral roll for the Division or Assembly District to which he has removed, for which purpose he shall forward to the Returning Officer for the State an application to transfer as set forth in the Eighth Schedule.

(2) An application to transfer shall be signed before a witness, who shall be an elector or a person qualified to be an elector, and the witness shall sign his name and add his address and occupation or description to the application.

**Registration of transfer.****Com., s. 61.**

**72.** Upon receipt of an application to transfer, the Returning Officer for the State shall note thereon the date of its receipt by him, and if the application is in order he shall, if it appears that the applicant is entitled to the transfer, register the applicant on the roll to which he applies to be transferred, and shall thereupon remove the applicant's name from the roll upon which he was previously registered.

**Change to another polling-place or sub-district roll.****Com., s. 61A.**

**73.** (1) Any elector whose name is on a polling-place roll may make application in the form set forth in the Eighth Schedule to be changed from such roll to the roll for another polling-place within the same Division or Assembly District.

(2) Any elector whose name is on a sub-district roll, and who resides in another sub-district of the Division or Assembly District, shall make application in the form prescribed to be changed from such roll to the roll for the sub-district in which he resides.

(3) An application to change shall be signed by the elector before a witness, and sent to the Returning Officer for the State.

(4) The witness before whom an application to change is signed shall be an elector or a person qualified to be an elector, and the witness shall sign his name and add his address and occupation or description to the application.

(5) Upon



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(5) Upon the receipt of an application to change, the Returning Officer for the State shall note on the application the date of its receipt by him, and if the application is in order, and it appears that the applicant is entitled to the change, he shall register such applicant on the roll to which he applies to be changed, and shall thereupon remove the applicant's name from the roll upon which he was previously registered.

**74.** The Returning Officer for the State shall receive all claims to be registered, applications to transfer, applications to change, and applications for alteration or correction, and forthwith give receipts therefor in the form set forth in the Ninth Schedule, and shall file all such claims and applications in his office. Receipts for claims, &c.  
Cf. Code, s. 34.

**75.** In addition to the other powers of alteration conferred by this Act, a roll may be altered by the Returning Officer for the State as follows:— Alteration of rolls.  
Cf. Code, s. 56.

1. By correcting any mistake in spelling or in the description of qualification:
11. By changing, on the written application of the elector, made in the form of the Eighth Schedule—
  - (a) The residence to another within the same Division or Assembly District: Provided that if the Division or District has been subdivided into sub-districts the change may be only to another residence within the same sub-district:
  - (b) The polling-place to another within the same Division or Assembly District, if the same has not been subdivided as aforesaid:
  - (c) The maiden name to the married name of any female elector:
  - (d) The original name to any altered name:
  - (e) The qualification of an elector to another sufficient qualification:
111. By reinstating any name struck off by mistake.

**76.** If upon the receipt of a claim to be registered or of an application for transfer, change, or alteration or correction, the Returning Officer for the State is not satisfied that the claimant is entitled to be registered as claimed or to the transfer, change, or alteration or correction applied for, he shall, as soon as practicable, make such inquiries (if any) as he thinks necessary for deciding the claim or application; and if not then satisfied that the claim or application should be allowed, he shall reject such claim or application. Returning Officer to make inquiries as to claim or application.

**77.** No

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## PART II.

Time for altering  
rolls.

876, 1904, s. 9.

**77.** No addition to or alteration of the roll for any Division or Assembly District shall be made during the period between the issue of the writ for an election in the Council District comprising such Division or in such Assembly District (as the case may be) and the close of the polling at such election, except registrations pursuant to claims to register, and applications to transfer, change, or make alterations or corrections received by the Returning Officer for the State before five o'clock in the afternoon of the day on which the writ is issued.

Alterations to be  
initialed.

Code, s. 58.

**78.** All alterations shall be made in such a manner that the original entry shall not be obliterated, and the reason for the alteration and the date thereof shall be set against the alteration, together with the initials of the officer making the alteration.

Lists of marriages to  
be forwarded.

**79.** The Registrar-General of Marriages shall, during the months of January, April, July, and October in each year, forward to the Returning Officer for the State a list of the marriages of all women of the age of twenty-one years or upwards registered by him during the preceding three months, stating in such list the former name and place of residence, and also the name, place of residence, and occupation of the man to whom she is married.

## PART III.

## PART III.—REMOVAL OF NAMES FROM ROLLS.

Returning Officer of  
the State to require  
proof of right to be  
on roll.

Cf. 920, 1907, s. 6.

**80.** (1) If the Returning Officer for the State (in this Part called "Returning Officer") has reason to believe, or if it has been notified to him in writing (hereinafter called an "objection" by any elector (hereinafter called an "objector"), that the name of any person should not be retained on the roll for any Division, Assembly District, or sub-district, whether by reason of his not being entitled to be registered as an elector, or by reason of his place of residence, or on any other ground, the Returning Officer shall by notice in writing require such person to satisfy such Returning Officer that he is entitled to have his name retained on such roll.

(2) If such person does not within forty-two days after service of the last-mentioned notice satisfy the Returning Officer that his name should be retained on such roll, his name shall, subject to section 77, be struck off by such Returning Officer.

(3) An objection under subsection (1) hereof shall be in the form in the Tenth Schedule.

(4) A notice by the Returning Officer under subsection (1) hereof shall be in the form in the Eleventh Schedule.

Cf. *ibid.*, s. 7.

(5) A notice by the Returning Officer under subsection (1) hereof may be served by posting it to the last known place of residence of the person to be notified, or if that is not known then  
to

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to his place of residence appearing on the roll, and shall be deemed to be served upon such person upon the day when in the usual course of post it would be received by such person.

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**81.** (1) When the name of any person is struck off a roll under the provisions of the next preceding section the Returning Officer shall cause such person to be informed thereof forthwith. A notice in the form in the Twelfth or Thirteenth Schedule (as the case may require) posted to such person at his last known place of residence, or if that is not known then to his place of residence appearing on the roll, shall be deemed sufficient information.

Notice of striking off.  
Com. Regulation 15.

(2) If the Returning Officer, upon the consideration of an objection, decides not to strike the name off the roll he shall cause the objector to be informed thereof forthwith. A notice in the form in the Thirteenth Schedule posted to the objector at the address stated in the objection shall be deemed sufficient information.

(3) A notice under this section shall be deemed to be received upon the date upon which it would be received in the usual course of post.

**82.** The Registrar-General of Births and Deaths shall, during the months of January, April, July, and October in each year, forward to the Returning Officer a list of the names, addresses, and occupations of all persons of the age of twenty-one years or upwards whose deaths have been registered in the State during the preceding three months, and the Returning Officer shall cause the names of the persons specified in the list to be struck off the rolls.

Lists of deaths to be forwarded.  
Code, s. 59.

## PART IV.—APPEALS.

## PART IV.

**83.** (1) Any person—

- i. Who has made a claim in manner prescribed to be registered on a roll and whose claim has been rejected; or
- ii. Whose name has been struck off the roll by the Returning Officer for the State (in this Part called "Returning Officer") under the provisions of Part III. of this Chapter,

Appeal against rejection of claim, striking off, or refusal to strike off.

Com. s. 73.

may, by notice in writing in the form of the Fourteenth Schedule, make application to the Local Court nearest to which he resides, for an order directing that his name be added or restored (as the case may be) to the roll.

(2) Where an objection under Part III. of this Chapter has been determined by the Returning Officer adversely to the objector, such objector may, by notice in writing in the form of the Fourteenth Schedule, make application to the Local Court nearest to the place of residence of the person objected to for an order sustaining the objection.

(3) Where

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PART IV.

(3) Where the application has reference to the decision of the Returning Officer upon an objection, the applicant shall send to the objector or the person objected to (as the case may be) a copy of his notice of application.

Time for appeal.  
Com. Reg. 16.

**84.** An application under the next preceding section may be made at any time within one month after the service of the notice of the rejection of the claim, or of the striking off, or of the determination of the objection (as the case may be).

Notice of hearing.  
Cf. *ibid.*

**85.** As soon as practicable after the notice of application is lodged with him, the clerk of the Court shall issue a summons to the Returning Officer to appear before the Court, at a time and place mentioned in the summons, to answer the application and produce all papers connected therewith; and shall also send notice of such time and place to the applicant, and if the appeal is against the decision upon an objection, then also to the objector or the person objected to (as the case may require).

Returning Officer  
may appear or send  
a statement.  
Cf. *ibid.*

**86.** (1) The Returning Officer may, by himself or some person appointed by him to represent him, appear at the hearing, or may send to the clerk of the Court a statement in writing containing such observations upon the application as he sees fit to make, which statement shall be considered by the Court at the hearing.

(2) In any case the Returning Officer shall produce, or cause to be produced, at the hearing all papers connected with the application.

Persons entitled to be  
heard.  
Cf. *ibid.*

**87.** The Returning Officer, or the person appointed by him, and the applicant, and also the objector or person objected to (if such be the case), shall be entitled to be heard at the hearing.

Court to determine.  
Com., s. 73 (4).

**88.** The Court shall hear and determine any application under this Part, and make any such order against the applicant, objector, or person objected to as it thinks fit as to the costs of the application, which may be recovered in the same manner as the costs of any proceeding before a Court of summary jurisdiction.

Returning Officer to  
give effect to order.  
*Ibid.*, s. 73 (5).

**89.** The clerk of the Court shall deliver or send to the Returning Officer a certified copy of the order of the Court, and such Returning Officer shall cause such entries (if any) to be made upon any roll as are necessary for giving effect to the order.

Court to have powers  
of summary jurisdiction.  
*Ibid.*, s. 73 (6).

**90.** The Local Court hearing and determining any application under this Part shall be constituted by a Special Magistrate or two or more Justices of the Peace authorised by the Minister to hear and determine electoral appeals, and shall have all the powers of a Local Court of Full Jurisdiction.

How notices may be  
sent.  
New.

**91.** Any notice required by this Part—

(a) To be sent to the Returning Officer shall be deemed duly sent if posted to his office:

(b) To

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- (b) To be sent to any person other than the Returning Officer shall be deemed duly sent if posted to such person at his last known place of residence, or if that is not known then to his place of residence appearing on a roll.

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## CHAPTER V.—ELECTIONS.

## PART I.—THE WRITS.

CHAPTER V.  
PART I.

**92.** All writs for elections shall be issued by the Governor, except that if on any casual vacancy the President or Speaker of the House affected is within the State he shall issue the writ after two clear days' written notice to the Governor of his intention to do so.

Issue of writs.  
Code, s. 85.

**93.** All writs shall be in the form set forth in the Fifteenth Schedule and shall fix the dates for—

Dates, &c.  
Code, s. 86.

(a) The nomination,

(b) The polling, and

(c) The return of the writ.

**94.** No day other than Saturday shall be fixed as polling day.

Polling day.  
Code, s. 87.

**95.** No date for the nomination shall be less than seven or more than twenty-one days after the date of the writ.

Date of nomination  
Code, s. 88.

**96.** No date for the polling shall be less than two or more than thirty days after the date of nomination.

Date of polling  
Code, s. 89.

**97.** All writs for any periodical or general election shall be issued and returned within fifty days after the occurrence of the period or dissolution necessitating the election.

Issue and return of writs.  
Code, s. 90.

**98.** All writs referred to in the next preceding section shall appoint the same day for the nomination of all candidates for the same House.

Nominations.  
Code, s. 91.

**99.** Writs shall be directed to the Returning Officer for the District for which an election is to be held.

Writs, how directed.  
Code, s. 92.

**100.** On the receipt of a writ the Returning Officer to whom it is directed shall—

Duty of Returning Officer on receipt of writ.  
Code, s. 93.

1. Indorse thereon the date of its receipt, and, in the case of an Assembly election, forward a copy of the writ to each Assistant Returning Officer, and, in the case of a Council election, forward a copy of the writ to each Deputy Returning Officer, who shall forward a copy to each Assistant Returning Officer in his Division.

11. Advertise

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11. Advertise its receipt and particulars in two newspapers circulating in the District

## PART II.

## PART II.—THE NOMINATIONS.

Nominations.  
Code, s. 94.

101. No person shall be capable of being elected a Member of either House unless duly nominated.

Disqualification of  
Federal Members for  
State Parliament.  
790, 1902, s. 2.

102. No Member of either House of the Parliament of the Commonwealth of Australia may be a Member of either House of the Parliament of the State.

Mode of nomination.  
Code, s. 95.

103. (1) Every nomination shall—

- (a) Name the candidate and his place of residence, and
- (b) Be signed by not less than two persons entitled to vote at the election.

Form.

(2) The nomination paper shall be in the form set forth in the Sixteenth or Seventeenth Schedule (as the case may require).

Requisites for  
nomination.  
Code, s. 95 (c) and (d)  
altered.

104. (1) No nomination shall be valid unless—

- (a) The person nominated consents to act if elected, and
- (b) The nomination paper complying with the preceding requisites is received by the Returning Officer after the issue of the writ and not later than five o'clock in the evening of the day next preceding the day of nomination.

Com., s. 98.

(2) The consent of the person nominated to act if elected shall be sufficient if he signs the form of consent at the foot of the nomination paper, but the Returning Officer receiving the nomination may accept any other form of consent accompanying the nomination paper or received by him from the candidate that he deems satisfactory. and his decision shall be final.

Time and place for  
nomination.  
Code, s. 97.

105. (1) Twelve o'clock at noon on the day of nomination shall be the hour for nomination, and the Returning Officer shall then attend at the place of nomination and publicly produce all nomination papers duly received, and declare the names and residences of all candidates nominated.

Cf. W.A. 27, 1907, s.  
85 (3).

(2) The Returning Officer shall, before declaring the nominations, ascertain that the hour of nomination has arrived, and in any dispute that may arise as to the time the Returning Officer's decision shall be final.

Proceedings on  
nomination day.  
Code, s. 97.

106. The Returning Officer shall declare the candidates nominated duly elected if no greater number are nominated than are required to be elected; but otherwise the proceedings shall stand adjourned to polling day.

107. Immediately

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**107.** Immediately after the nominations have been declared the Returning Officer shall, by telegram or other expeditious means, inform the Returning Officer for the State of the full name and address of each candidate nominated.

Returning Officer to notify Returning Officer for State names of candidates nominated.

N.Z. 29, 1905, s. 97 (7).

**108.** (1) If a nominated candidate dies after the day of nomination, and before the polling day, the Returning Officer shall, upon being satisfied of the fact of such death, by public notice countermand notice of the poll.

In case of death before poll or on polling day.

N.Z. 29, 1905, s. 103.

(2) If any such candidate dies upon the polling day, before the hour of closing the poll, the Returning Officer, upon being satisfied of the fact of such death, shall immediately close the poll, and declare the same to be null and of no effect, and shall give public notice thereof.

(3) In case of such death as mentioned in subsection (1) or subsection (2) hereof the Returning Officer shall indorse on the writ the fact of such death, the date of the proof thereof, and of the countermand or interruption of the poll in consequence, and return the writ so indorsed.

(4) All proceedings with reference to the election, in either of such cases, shall be commenced afresh.

**109.** Where any poll is interrupted in consequence of the death of a candidate as aforesaid, all signed lists of voters and signed copies of the roll, and all ballot-papers received by the several presiding officers from the Returning Officer or the Deputy Returning Officer (as the case may be) shall be returned to such Returning Officer or Deputy Returning Officer, together with all declarations made by electors under section 141, and such Returning Officer, or Deputy Returning Officer, shall forthwith, in the presence of a witness, burn such lists and copies and ballot-papers and declarations, together with all absent voters' declarations and ballot-papers received by such Returning Officer or Deputy Returning Officer.

When poll interrupted by death ballot-papers destroyed.

Cf. *ibid.*, 103 (5).

**110.** (1) Whenever an election wholly or partially fails a new writ shall forthwith be issued for a supplementary election.

Failure of election. Com., s. 108.

(2) An election shall be deemed to have wholly failed if no candidate is nominated or returned as elected.

(3) An election shall be deemed to have partially failed whenever one or more candidates is or are returned as elected, but not the full number required to be elected.

## PART III.—ABSENT VOTERS.

## PART III.

**111.** Any elector who has reason to believe—

Absent voters and authorised witnesses.

- (a) That he will not on polling day during the hours of polling be within fifteen miles of the polling-place on the roll for which he is registered, or of a polling-place for the sub-district on the roll for which he is registered ;

Cf. Code, s. 98. Com., s. 109.

- (b) That

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759, 1901, s. 8.

(b) That he will on polling day be in quarantine within the State; or

(c) That, being a female elector, she will not on polling day during the hours of polling, on account of ill health or infirmity, be able to attend at the polling-place on the roll for which she is registered, or at a polling-place for the sub-district on the roll for which she is registered,

may, after the issue of the writ, upon making a declaration in the prescribed form before a postmaster, vote as an absent voter.

Provided that—

I. The declaration shall be made and the vote shall be recorded only at the post office of which such postmaster is in charge; and

II. The declaration shall not be valid unless such postmaster stamps the declaration with the post office letter stamp of the date upon which the declaration is made.

Form of declaration  
and ballot-paper.

**112.** The form of ballot-paper for absent voters shall be attached to the form of declaration; and the declaration and ballot-paper shall be as provided in the Eighteenth Schedule.

Directions for absent  
voting.

(H Code, s. 101.

**113.** An absent voter shall record his vote as follows:—

I. He shall exhibit the ballot-paper, unmarked and with the declaration attached, to the postmaster:

II. He shall then, in the presence of the postmaster write on the ballot-paper the name or names of the candidate or candidates for whom he votes, but so that the postmaster shall not see such name or names, and shall then fold and securely fasten the ballot-paper so as to conceal the name or names of the candidate or candidates:

III. He shall then address and post such ballot-paper (with the declaration attached) to the Returning Officer for the Division or Assembly District for which the vote is exercised.

Ballot-paper to be  
received before close  
of poll.

Cf. Code, s. 105.

**114.** No absent voter's vote shall be valid unless the ballot-paper, with the declaration attached, is received by the Returning Officer before the close of the poll.

Duty of authorised  
witness.

Cf. Code, s. 102.

**115.** No postmaster shall take the declaration of any absent voter unless he has seen the voter sign such declaration, and no postmaster shall look at the name or names of the candidate or candidates for whom the voter votes.

**116.** The



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## CHAPTER V.

## PART III.

**116.** The signature upon an absent voter's declaration, purporting to be the signature of a voter, shall, upon a scrutiny, be *prima facie* evidence that such voter voted as an absent voter.

Evidence of voter's signature.

Qd., 5, 1908, s. 7.

**117.** The date upon an absent voter's declaration, purporting to be the date on which such declaration is made, shall, upon a scrutiny, be *prima facie* evidence of the date on which the vote was recorded.

Evidence of date of voting.

*Ibid.*

**118.** All absent voters' ballot-papers (with declarations attached) received by the Returning Officer up to the close of the poll shall, before or immediately upon the close of the poll, be deposited in a ballot box or ballot boxes provided for the purpose; and the Returning Officer shall, immediately upon the close of the poll, close, fasten, and seal the outer cover of all such ballot boxes, and any scrutineer so desiring may also seal the same.

Absent voters' papers to be placed in ballot box.

New.

**119.** At the scrutiny the Returning Officer shall produce, unopened, all ballot boxes containing absent voters' declarations and ballot-papers received as aforesaid, and the signed lists of voters and signed copies of rolls used at the polling; and at such scrutiny such ballot boxes shall be opened by the Returning Officer in the presence of the scrutineers present, and the declarations and ballot-papers found therein shall be dealt with as follows:—

Conduct of scrutiny.

New.

- (a) The Returning Officer shall open each declaration without unfastening the ballot-paper or allowing it to be detached from the declaration, and shall sort the declarations (with ballot-papers attached) according to the polling-places or sub-districts for which they purport to be used, and record the number received for each such polling-place or sub-district;
- (b) Subject to paragraph (c) hereof, the Returning Officer shall then tie up the declarations (with ballot-papers attached) in separate parcels according to polling-places or sub-districts, and so deposit them in a ballot box or ballot boxes:
- (c) If the number of declarations (with ballot-papers attached) for any polling-place or sub-district is less than twenty, such declarations (with ballot-papers attached) shall be placed with those for another or other polling-places or sub-districts, so that, subject to paragraph (d) hereof, the total number of such declarations (with ballot-papers attached) so placed together, shall not be less than twenty; the Returning Officer shall then tie up the said declarations (with ballot papers attached) so placed together in a parcel and deposit them in a ballot box:
- (d) If the total number of declarations (with ballot-papers attached) is less than twenty, the Returning Officer shall tie up such declarations (with ballot-papers attached) in a parcel, and deposit them in a ballot box:

(e) Having

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- (*e*) Having placed the declarations (with ballot-papers attached) in a ballot box or ballot boxes as aforesaid, the Returning Officer shall forthwith close, fasten, and seal the outer cover of each such ballot box, and any scrutineer so desiring may also seal the same; and no such ballot box shall be opened except to take a parcel or parcels therefrom for the purpose of continuing the scrutiny:
- (*f*) So often as any such ballot box has been so opened the Returning Officer shall, if any declarations (with ballot-papers attached) remain therein, again forthwith close, fasten, and seal the outer cover of the same, and any scrutineer so desiring may also seal the same:
- (*g*) The scrutiny of the declarations (with ballot-papers attached) shall continue as follows:—
- i. The Returning Officer shall take the parcel for any polling-place or polling-places, or sub-district or sub-districts for which he has received the signed list or lists of voters, and the signed copy or copies of the roll, and shall forthwith examine each declaration therein:
  - ii. If, upon comparison with the signed list of voters and signed copy of the roll, and upon examining any such declaration, it appears to the Returning Officer that such declaration complies with the requirements of this Act, and is not invalid within the meaning of the next succeeding section, he shall cause the letters "A. V." to be placed opposite the name of the absent voter appearing on such list, and shall then detach the ballot-paper from such declaration, and insert the ballot-paper in a ballot box:
  - iii. If, upon examining any such declaration, it appears to the Returning Officer that the same is invalid, he shall reject such declaration and the ballot-paper attached, and shall mark the declaration "Rejected":
  - iv. When the declarations and ballot papers contained in the parcel have been thus dealt with, the scrutiny of the ballot-papers shall be conducted; and unless conducted forthwith, the Returning Officer shall close, fasten, and seal the outer cover of the ballot box or ballot boxes in which the same have been inserted, and any scrutineer so desiring may also seal the same.
- (*h*) When, in the case of an Assembly election, the scrutiny of ballot papers and count of votes has reached such a stage that the result of the scrutiny of any particular parcel or parcels of absent voters' declarations and ballot papers and the count of the votes thereby recorded cannot affect the result

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result of the polling, the result of the election may be declared, notwithstanding that the scrutiny or count of such parcel or parcels or votes has not been conducted; but the Returning Officer shall retain such parcel or parcels in his custody, with the ballot papers unopened, as required by section 164.

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**120.** An absent voter's declaration shall be invalid—

Invalidity of  
declaration.  
New.

(a) If it appears to the Returning Officer—

- i. Not to have been made within the prescribed time, or
- ii. Not to be stamped with the post office letter stamp as required by section 111; or
- iii. That the name of the declarant is not on the signed list of voters for the polling-place or sub-district for which he voted as an absent voter, or

(b) If a mark, as provided by section 143, appears against the declarant's name on such list or on the signed copy of the roll.

**121.** If the Returning Officer rejects any declaration, then such declaration (with the ballot-paper attached) shall be preserved by the Returning Officer for production before any Court of Disputed Returns that may be held on or about such election. The ballot-paper shall not be opened.

Rejected papers to be  
preserved.  
Code, s. 105 (d).

**122.** The decision of the Returning Officer as to the allowance or rejection of any absent voter's declaration or ballot-paper shall be final, subject only to reversal by the Court of Disputed Returns.

Returning Officer to  
decide.  
Code, s. 106.

**123.** No absent voter's ballot-paper shall be rejected because the surname only of a candidate has been written thereon, if no other candidate has the same surname, nor by reason of any mistake in spelling where the elector's intention is clear.

Mistakes.  
Code, s. 107.

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**124.** If the proceedings on the day of nomination stand adjourned to polling day, the Returning Officer shall immediately make all necessary arrangements for taking the poll.

Polling.  
Code, s. 108.

**125.** In particular he shall—

Duties of Returning  
Officer.  
Code, s. 109, with  
additions.

- i. Appoint a presiding officer to preside at each polling-place at which he will not himself be continuously present;
- ii. Appoint all necessary poll clerks and doorkeepers.
- iii. Provide and furnish proper polling-booths and ballot boxes:
- iv. Provide the presiding officers with lists of voters and copies of the roll for the Division or Assembly District, as the case may be:
- v. Provide

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Code, s. 119.

v. Provide each presiding officer with sufficient ballot-papers for the use of electors entitled to vote at his polling-place:

vi. Furnish each presiding officer with printed directions for the guidance of voters in voting, to be posted up in some conspicuous place in the polling-booth and in each voting compartment thereof.

Lists of voters.

Com., s. 130.

**126.** The lists of voters mentioned in the next preceding section shall be lists of the electors registered on the rolls for the respective polling-places or sub-districts, and shall be compiled by the Returning Officer from the roll received from the Returning Officer for the State under section 60, and such lists and the copies of the roll also mentioned in the next preceding section shall, before the hour for commencing the poll, be signed by the Returning Officer and delivered to the presiding officers for their use at the poll.

Presiding officer.

Code, s. 110.

Com., s. 126.

**127.** The Returning Officer shall himself be the presiding officer at the chief polling-place, unless he appoints some other person to be the presiding officer thereat.

Presiding officer may appoint substitute in emergency.

Q., 1885-1905, s. 67.

**128.** (1) In case any presiding officer is prevented from attendance at the poll by illness or other sufficient cause, and time does not permit of a substitute being appointed by the Returning Officer, such presiding officer may appoint, by writing under his hand, a substitute to act for him, who shall have full power and authority to do all things required by this Act to be done by his principal.

Code, s. 111.

(2) Any presiding officer may appoint a substitute to perform his duties during his temporary absence.

No licensed premises to be used.

Code, s. 112.

**129.** No part of any premises licensed for the sale of liquor shall be used as a polling-booth.

Buildings to be used free.

Code, s. 113.

**130.** State schools and all buildings under the control of the Government of the State, buildings the property of local governing bodies which have been or are hereafter subsidised in their erection by the said Government, and buildings of Institutes within the meaning of the "Public Library, Museum, and Art Gallery Act, 1883-4," or any Act amending or substituted for that Act, which participate in grants voted by Parliament in aid of Institutes, may be used free of charge for the purposes of any poll.

Separate compartments.

Code, s. 114.

**131.** Each polling-booth shall have separate voting compartments, constructed so as to screen the voters from observation while they mark their ballot-papers, and each compartment shall be furnished by the presiding officer with a pencil prepared for the use of voters.

Ballot boxes.

Code, s. 115.

**132.** Each polling-booth shall be provided with a ballot box, having both an inner and an outer cover, with a lock and key to each, and with a cleft in the inner cover for receiving the ballot-papers.

**133.** Forthwith

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**133.** Forthwith after the polling stands appointed for any election the Returning Officer for the State shall cause to be printed, or written, ballot-papers for the purpose of such election, and shall before the commencement of the poll forward to the Returning Officer for the Division or Assembly District in which the election is about to take place a sufficient number of such ballot-papers.

Ballot-papers to be printed by Returning Officer for the State, and forwarded to Returning Officers.

**134.** In printing the ballot-papers—

Ballot-papers.

i. The names of all candidates duly nominated shall be printed or written in alphabetical order according to their surnames:

Code, s. 117.

ii. If there are two or more candidates of the same surname, their surnames shall be printed or written according to the alphabetical order of their Christian names, or if their Christian names are also the same, then according to the alphabetical order of their places of residence:

iii. Ballot-papers shall be in the form set forth in the Ninth Schedule:

Cf. Code, s. 118.

**135.** No ballot-paper shall be delivered to any voter without being first initialed by the presiding officer, and an exact account shall be kept of all initialed ballot-papers. The initials of the presiding officer shall be placed on the back of the ballot-paper in such a position as to be easily seen when the ballot-paper is so folded as to conceal the names of the candidates.

Ballot-papers initialed.

Code, s. 120, and Act 876/04, s. 12.

**136.** Scrutineers may be appointed by candidates to represent them at each polling-place during the polling.

Scrutineers.

Code, s. 121.

**137.** Not more than two scrutineers shall be allowed to each candidate at any polling-place.

Number.

Code, s. 122, altered.

**138.** Appointments of scrutineers shall be made by written notice to the Returning Officer or the presiding officer, signed by the candidate, giving the names and addresses of the scrutineers, or, without such notice, by permission of the Returning Officer or presiding officer.

Appointment, how made.

Com., s. 135.

**139.** No candidate shall in any way take part in the conduct of an election; and no one, other than the Returning Officer for the State, the Deputy Returning Officer for the State, the Returning Officer, the presiding officer, and the poll clerks, doorkeepers, and scrutineers, and the electors voting and about to vote, shall be permitted to enter or remain in a polling-booth during the polling, except by permission of the presiding officer.

Persons present at polling.

Code, s. 124, altered

**140.** The polling shall be conducted as follows—

The polling.

Code, s. 125.

i. The poll shall open at eight o'clock in the morning; and shall not close till all electors present in the polling-booth at

Q., s. 61.

W.A., 27, 1907, s. 116  
seven

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seven o'clock in the evening, and desiring to vote, have voted, unless adjourned, as by this Act provided, by reason of riot or other interruption; and in any dispute as regards time the decision of the presiding officer shall be final:

Code, s. 125.

- II. Before any vote is taken the presiding officer shall exhibit the ballot box empty, and shall then securely close, fasten, and seal its inner cover in such a manner as to prevent its being opened without breaking the seal, and shall keep it so closed, fastened, and sealed:

Code, s. 125.

Com., s. 137.

- III. At the close of the poll the presiding officer shall publicly close, fasten, and seal the outer cover of the ballot box, and allow any scrutineer so desiring to seal the same, and shall take charge of such ballot box, and with the least possible delay forward it for the purposes of scrutiny; and it shall on no account be opened except as allowed by this Act.

Where electors  
may vote.

Com., s. 139.

**141.** An elector may vote—

- (a) At the polling-place on the roll for which he is registered, or a polling-place for the sub-district on the roll for which he is registered; or
- (b) At any other polling-place for the same Division or Assembly District, as the case may be: Provided that he first makes and signs before the presiding officer a declaration in the form in the Twentieth Schedule.

Mode of voting.

Code, s. 126.

**142.** Every person claiming to vote shall state his Christian name and surname, and, if so desired by the presiding officer or poll clerk, any other particulars which may be necessary for the purpose of identifying such person with the name on the signed list of voters or signed copy of the roll under which he claims to vote.

Ballot-paper to be  
handed to elector.

Code, s. 126.

Com., s. 145,  
altered.

**143.** (1) If the name under which the person claims to vote is upon the signed list of voters the presiding officer or poll clerk shall put the following question to such person:—"Have you already voted here or elsewhere at this election?" and if such person answers such question in the negative and his right to vote is not challenged, or, if challenged, he answers the prescribed questions satisfactorily, the presiding officer or poll clerk shall thereupon place a mark against the name of such person on the signed list of voters, and shall hand to him a ballot-paper duly initialed; but the presiding officer shall, at the request of any scrutineer, take note of any objection and keep a record thereof.

(2) The fact that the name under which the person claims to vote is not upon the signed list of voters shall not prevent him from voting in cases where he seeks to vote as permitted by paragraph (b) of section 141, but the presiding officer or poll clerk shall put the question set out in subsection (1), and, before handing him a  
ballot-

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ballot-paper as provided by the said subsection, shall place a mark against the name of such person on the signed copy of the roll.

(3) The mark made as provided by subsection (1) or subsection (2) on the list of voters or copy of the roll shall be *prima facie* evidence of the identity of the person to whom the ballot-paper is delivered with the elector whose name is so marked on such list or copy, and of the fact that such elector voted at the election.

W.A., 27, 1907,  
s. 125.

**144.** Upon receipt of the ballot-paper, the voter shall, without delay—

Mode of voting.  
Code, s. 126.

- (a) Retire alone to some unoccupied compartment of the polling-booth, and there, in private, vote by making a cross having its point of intersection within the square opposite the name of the candidate or candidates for whom he votes ;
- (b) Fold the ballot-paper so as to conceal the names of the candidates, but to disclose the initials of the presiding officer, and exhibit it so folded to the presiding officer, and then, without unfolding it, deposit it in the ballot box ; and
- (c) Forthwith quit the booth.

Com., s. 147.

**145.** While any voter is within any compartment for the purpose of marking his ballot-paper no other person shall be permitted to enter such compartment.

Voters to be alone in  
compartment.  
New.

**146.** No person shall take out of the polling-booth any ballot-paper either before or after the same has been marked by him.

Ballot-papers not to  
be taken out of  
polling-booth.  
New.

**147.** If any voter satisfies the presiding officer that he is unable to vote without assistance, the presiding officer shall permit any person appointed by such voter to accompany him into the voting compartment and to mark, fold, and deposit his ballot-paper for him.

Assistance to voters.  
Cf. Code, s. 126.  
Com., s. 148.

**148.** If any person satisfies the presiding officer, before his ballot-paper is deposited in the ballot box, that he has spoilt it by mistake or accident, he may, on giving it up, receive a new ballot-paper from the presiding officer, who shall there and then write the word "Cancelled" upon the spoilt ballot-paper, and preserve the same and keep a record thereof.

Spoilt ballot-papers.  
Com., s. 149.

**149.** (1) Subject to sections 142 and 143, no person shall be challenged during the polling as to his right to vote except by the presiding officer, who may, and at the request of any scrutineer shall, put all or any of the following questions applicable to the election to any person claiming to vote:—

Questions to persons  
wishing to vote.  
Code, ss. 127, 128

- I. "Are you the person whose name appears as [*here state name under which the person claims to vote*] on the roll for this polling-place (*or this sub-district, as the case may be*)?"
- II. "Are you of the full age of twenty-one years?"

III. "Do

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Com., s. 141.

111. "Do you reside within this Division (*or* District)?"

1v. "Are you qualified to vote at this election?", and

v. In the case of a general election—"Have you already voted at this election in any Council (*or* Assembly, *as the case may be*) District?"

but no such question shall be put after the ballot-paper has been deposited in the ballot box.

(2) When a Division or Assembly District has been divided into sub-districts, the question numbered 111. in subsection (1) hereof shall read as follows:—"Do you reside within this sub-district?"

Answers.

Code, s. 129.

**150.** If any person refuses to fully answer any question put to him by the presiding officer pursuant to the next preceding section, or by his answer shows that he is not entitled to vote, his claim to vote shall be rejected, and no ballot-paper shall be afterwards delivered to him, and any ballot-paper previously delivered to him shall be immediately returned to the presiding officer, who shall there and then write the word "Cancelled" on such ballot-paper, and preserve the same, and keep a record thereof.

Answer conclusive.

Code, s. 130.

**151.** The voter's answer to the aforesaid questions shall be conclusive, and the matter shall not be further inquired into during the polling.

Errors not to  
forfeit vote.

Of. Code, s. 131

Com., s. 144.

**152.** No omission of any Christian name, or entry of a wrong Christian name, or address, or occupation, and no mistake in the spelling of any surname, and no misdescription of the locality of the qualification shall warrant the rejection at any polling of any claim to vote if the person claiming to vote or the locality is sufficiently identified in the opinion of the presiding officer, and no female elector shall be disqualified from voting under the name appearing on the roll because her surname has been changed by marriage.

Adjournment of  
polling on account  
of riot.

Com., s. 152.

Code, s. 142.

**153.** The presiding officer may adjourn the polling at his polling-place from day to day in any case where the polling is interrupted or obstructed by riot or open violence.

Adjournment in  
other cases.

Com., s. 153.

**154.** If from any cause the polling-booth at a polling-place is not opened on polling day, the Returning Officer or the presiding officer may adjourn the polling at such polling-place for a period not exceeding twenty-one days, and shall forthwith give public notice of the adjournment.

If poll adjourned,  
presiding officer to  
look and seal  
outer lid of ballot box.

New.

**155.** If from any cause the polling at any polling-place is adjourned, and a ballot-paper or ballot-papers have been deposited in the ballot box, the presiding officer shall immediately upon such adjournment publicly close, fasten, and seal the outer cover of such ballot box, and allow any scrutineer so desiring also to seal the same; and the presiding officer shall retain such ballot box and the key thereof in his possession until the day to which such poll is adjourned



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adjourned, when he shall at such polling-place publicly break the seal and unfasten and open the outer cover of the ballot box for the purpose of continuing the poll.

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**156.** Where for any reason the polling is adjourned at any polling-place, those electors only who are registered on the roll for the polling-place, or who are registered on the roll for the sub-district in which such polling-place is situated, and who have not already voted, shall be entitled to vote at the adjourned polling.

Voting at  
adjourned polling.  
Com., s. 153

**157.** Immediately after the close of the polling each presiding officer shall forward to the Returning Officer the signed list of voters and signed copy of the roll used and marked at his polling-place. He shall also forward to the Returning Officer all the unused ballot-papers and cancelled ballot-papers, and all declarations made by electors under section 141.

Presiding officer to  
forward Returning  
Officer signed list of  
voters immediately  
after close of poll.  
New.

## PART V.—THE SCRUTINY.

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**158.** The result of the polling shall be ascertained by scrutiny of the ballot-papers and count of the votes.

Scrutiny.  
W.A. 27, 1907,  
s. 133.

**159.** The following provisions shall apply to the scrutiny and count of votes at both a Council and an Assembly election:—

Provisions at scrutiny.  
Code, s. 133.

- i. The scrutiny and count of votes shall commence so soon as practicable after the close of the polling : 876, 1904, s. 13.
- ii. Not more than two scrutineers may be appointed by each candidate to represent him at the scrutiny at each place where the scrutiny is conducted : Code, s. 134, altered.  
Com., s. 156.
- iii. The Returning Officer for the State, the Deputy Returning Officer for the State, the Returning Officer, the officer conducting the scrutiny, and the scrutineers of the candidates may be present, and also any persons approved by the officer conducting the scrutiny, but no other person : Code, s. 134, altered.
- iv. All the proceedings of the scrutiny shall be subject to the inspection of the scrutineers : Ibid.
- v. Ballot boxes shall be opened, the ballot-papers examined, and the votes counted so that the votes received by each candidate may be ascertained : Ibid.
- vi. All informal votes shall be rejected and the number thereof recorded : Com., s. 156.
- vii. The ballot boxes shall be opened in such order as is determined by the officer conducting the scrutiny, the votes in one ballot box being counted before another is opened : Code, s. 134.
- viii. Any vote shall be counted as informal if the ballot-paper, not being an absent voter's ballot-paper, is not duly initialed, Code, s. 134, and  
Com., s. 158.

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initialed, or contains anything except the crosses by which votes are required to be cast, or contains crosses against the names of a larger number of candidates than are required to be elected; or, being an absent voter's ballot-paper, it has no candidate's name written on it, or has a greater number of names written on it than the number of candidates required to be elected, or contains anything not authorised by this Act:

Code, s. 134.

- ix. The scrutiny may be adjourned as may be necessary, until all the votes are counted; but no scrutiny shall be adjourned before all votes in any ballot box which has been opened have been counted, and on any adjournment the boxes shall be deposited in some secure place. Any scrutineer so desiring may seal any ballot box:

Code.

- x. Any scrutineer may object that any ballot-paper is informal, and thereupon the officer conducting the scrutiny shall mark the ballot-paper "Admitted" or "Rejected," according to his decision on the objection; and such decision shall be final, subject only to reversal by the Returning Officer for the Division or Assembly District, or the Court of Disputed Returns.

Scrutiny of votes in  
Council elections.

**160.** The following provisions shall apply to the scrutiny and count of votes at a Council election:—

Com., s. 160.

- i. The scrutiny and count of votes shall be conducted by Deputy Returning Officers and Assistant Returning Officers:
- ii. Each Deputy Returning Officer shall open all ballot boxes for his Division except those to be opened by Assistant Returning Officers:
- iii. Each Assistant Returning Officer shall open all ballot boxes from the polling-places for which he is appointed or from the polling-places within the portion of the Division for which he is appointed:
- iv. Each Deputy Returning Officer or Assistant Returning Officer, as the case may be, shall count all the votes for the respective candidates found in the boxes opened by him, rejecting all informal ballot-papers, and shall make and keep a record of the numbers of votes for the respective candidates counted by him from such boxes respectively:
- v. Immediately on the completion of the scrutiny of the ballot papers contained in any ballot box the Deputy Returning Officer or Assistant Returning Officer (as the case may be) shall make up in one parcel the formal ballot-papers, found in such ballot-box, and in another parcel the informal ballot-papers found therein, and shall tie up and seal the said parcels, and permit any scrutineer who so desires to affix his seal to such parcels, and shall indorse on each of the said parcels a description of the contents thereof,

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thereof, the name of the Division, the name of the polling-place (except in the case of absent voters' ballot-papers), and the date of the polling, and shall sign such indorsement:

- VI. Each Assistant Returning Officer shall certify by indorsement on the copy of the writ received by him the number of votes for each candidate as shown by the votes counted as aforesaid, and shall transmit the sealed parcels mentioned in paragraph v., and the said copy of the writ to his Deputy Returning Officer:
- VII. Each Assistant Returning Officer shall, upon the completion of the scrutiny of the ballot-papers found in the ballot boxes opened by him, send to his Deputy Returning Officer, by telegram or some other expeditious means, the following information:—
  - (a) The number of votes recorded for each candidate; and
  - (b) The total number of ballot-papers rejected as informal:
- VIII. The Deputy Returning Officer shall certify by indorsement on his copy of the writ the number of votes given in his Division for each candidate and transmit the copy of the writ so indorsed to the Returning Officer for the District:
- IX. The Returning Officer for the District shall, from the copies of the writ transmitted to him by the Deputy Returning Officers, ascertain the total number of votes given for each candidate, and in the event of an equality of votes shall give a casting vote for the purpose of deciding the election, but, except as provided in this section, he shall not vote at the election: Com., s. 161.
- X. Subject to the next succeeding section the candidates to the number required to be elected who receive the greatest number of votes shall be elected.

**161.** (1) At any time before the declaration of the poll the Returning Officer for the District shall, if directed by the Minister, or may, if he thinks fit, on the request of any candidate, made by writing, showing to the satisfaction of such Returning Officer that the result of the poll would probably be affected by a re-scrutiny, or of his own motion, direct a re-scrutiny by the Deputy Returning Officer of the ballot-papers for any Division or portion of a Division or of the ballot-papers contained in any parcel. Re-scrutiny at Council elections.  
New.

(2) The Deputy Returning Officer shall, in relation to the re-scrutiny, have the same powers as if the re-scrutiny were a scrutiny of ballot-papers and count of votes, and may reverse any decision of the officer who conducted the scrutiny, or any part of it, as to the admission or rejection of any of the ballot-papers, and may, as found to be necessary, correct the numbers of the votes given for the respective candidates. Cf. Com., s. 161A  
New.

(3) The

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Cf. N.Z., 29, 1905, s. 139.

Scrutiny of votes in  
Assembly elections.

Com., s. 162.

Com., s. 160.

(3) The Deputy Returning Officer shall report to the Returning Officer for the District the result of the re-scrutiny, and such Returning Officer shall make any correction in the numbers of votes given for the respective candidates which may from such report appear to be necessary. The candidates to the number required to be elected so found to have received the greatest number of votes shall be elected.

**162.** The following provisions shall apply to the scrutiny and count of votes at an Assembly election:—

- i. The scrutiny and count of votes shall be conducted by the Returning Officer and the Assistant Returning Officers:
- ii. The Returning Officer shall open all ballot-boxes for his District except those to be opened by Assistant Returning Officers:
- iii. Each Assistant Returning Officer shall open all ballot-boxes from the polling-places for which he is appointed or from the polling-places within the portion of the District for which he is appointed:
- iv. The Returning Officer or Assistant Returning Officer (as the case may be) shall count all the votes for the respective candidates found in the boxes opened by him, rejecting all informal ballot-papers, and shall make and keep a record of the numbers of votes for the respective candidates counted by him from such boxes respectively:
- v. Immediately on the completion of the scrutiny of the ballot-papers contained in any ballot box the Returning Officer or Assistant Returning Officer (as the case may be) shall make up in one parcel the formal ballot-papers found in such ballot box, and in another parcel the informal ballot-papers found therein, and shall tie up and seal the said parcels, and permit any scrutineer who so desires to affix his seal to such parcels, and shall indorse on each of the said parcels a description of the contents thereof, the name of the District, the name of the polling-place (except in case of absent voters' ballot-papers), and the date of the polling, and shall sign such indorsement:
- vi. Each Assistant Returning Officer shall certify by indorsement on the copy of the writ received by him the number of votes for each candidate as shown by the votes counted as aforesaid, and shall transmit the sealed parcels mentioned in paragraph v. and the said copy of the writ to the Returning Officer:
- vii. Each Assistant Returning Officer shall, upon the completion of the scrutiny of the ballot-papers found in the ballot boxes opened by him, send to the Returning Officer, by telegram or some other expeditious means, the following information:—

Com., s. 163.

(a) The

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(a) The number of votes recorded for each candidate; and

(b) The total number of ballot papers rejected as informal:

viii. The Returning Officer for the District shall, from the copies of the writ transmitted to him by the Assistant Returning Officers, ascertain the total number of votes given for each candidate, and in the event of an equality of votes shall give a casting vote for the purpose of deciding the election, but except as provided in this section he shall not vote at the election: Com., s. 161.

ix. Subject to the next succeeding section, the candidates to the number required to be elected who receive the greatest number of votes shall be elected.

**163.** (1) At any time before the declaration of the poll the Returning Officer for the District shall, if directed by the Minister, or may, if he thinks fit, on the request of any candidate, made by writing, showing to the satisfaction of such Returning Officer that the result of the poll would probably be affected by a re-scrutiny, or of his own motion, re-scrutinise the ballot-papers for the District or any portion thereof or the ballot-papers contained in any parcel. Re-scrutiny at  
Assembly elections.  
Cf. Com., s. 164A.  
Cf. N.Z., 29, 1905, s.  
139.

(2) The Returning Officer for the District shall, in relation to the re-scrutiny, have the same powers as if the re-scrutiny were a scrutiny of ballot-papers and count of votes, and may reverse any decision of the officer who conducted the scrutiny or any part of it as to the admission or rejection of any of the ballot-papers, and may, as found to be necessary, correct the numbers of the votes given for the respective candidates. The candidates to the number required to be elected so found to have received the greatest number of votes shall be elected.

**164.** After the scrutiny and count each Deputy Returning Officer in case of a Council election, or the Returning Officer in case of an Assembly election, shall retain in his custody all ballot-papers used at the election, all ballot-papers cancelled at the election, all absent voters' declarations (if rejected, with ballot-papers attached), and all declarations made by electors under section 141, until the same are delivered into the custody of the Court of Disputed Returns, or the authority of the Returning Officer for the State has been obtained for their destruction. Custody of ballot-  
papers after scrutiny.

## PART VI.—THE RETURN OF THE WRITS.

## PART VI.

**165.** As soon as conveniently may be after the result of the polling at the election has been finally ascertained the Returning Officer for the District shall— Return of writ.  
Code, s. 137.

i. At the place of nomination publicly declare the result of the election, and the name of the candidate or candidates elected: Com., s. 165

ii. By

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11. By indorsement under his hand certify on the original writ the name of the candidate or candidates elected, and the number of votes given for each, and return the writ so indorsed according to its exigency.

Returns to be sent in  
Code, s. 139.

**166.** Each Deputy Returning Officer in the case of a Council election, or the Returning Officer in the case of an Assembly election, shall after the election send to the Returning Officer for the State a return in a tabular form, showing—

- i. The number of electors on the roll :
- ii. The number of electors who voted :
- iii. The number of ballot-papers received from the Returning Officer for the State :
- iv. The number of ballot-papers issued to electors :
- v. The number of ballot-papers found in the ballot-boxes :
- vi. The number of cancelled ballot-papers :
- vii. The number of unused ballot-papers :
- viii. The number of ballot-papers rejected, distinguishing the numbers—
  - (a) Not initialed :
  - (b) Voting for more candidates than were entitled to be elected :
  - (c) Containing anything not authorised by this Act :
  - (d) Unmarked :
- ix. The number of absent voters' declarations (with ballot-papers attached) received :
- x. The number of absent voters' declarations rejected :
- xi. The number of electors who voted as permitted by paragraph (b) of section 141 :

And such return shall be accompanied by the signed lists of voters and signed copies of the roll used at the poll.

## PART VII.

Correction of errors.  
Code, s. 140.

## PART VII.—GENERAL.

**167.** Any delay, error, or omission in the printing, preparation, issue, transmission, or return of any roll, writ, ballot-paper, list of voters, or copy of the roll may be remedied, removed, rectified, or supplied by Proclamation specifying the matter dealt with, and providing for the course to be followed, and such course shall be valid and sufficient.

Extension of time.  
Code, s. 141.  
Com., s. 168.

**168.** Within twenty days before or after the day appointed for the polling at any election the person issuing the writ may provide for

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for extending the time for holding the election, or for returning the writ, or for meeting any difficulty which might otherwise interfere with the due course of the election; and any provision so made shall be valid and sufficient: Provided that—

- i. Public notice of such provision shall be given immediately:
- ii. No polling shall be postponed under this section at any time later than seven days before the time originally appointed.

## CHAPTER VI.

## CHAPTER VI. ELECTORAL EXPENDITURE.

## CHAPTER VI.

**169.** In this Chapter and in Chapter VII. "electoral expense" includes all expenses incurred by, or on behalf, or in the interests of, any candidate at or in connection with any election, excepting only the personal and reasonable living and travelling expenses of the candidate.

Electoral expenses.

Code, s. 143.

Com., s. 171.

**170.** No electoral expense shall be incurred or authorised by a candidate in respect of his candidature in excess of the following rates:—

Rates of expenditure.

Code, s. 146.

Com., s. 169.

- i. Fifty Pounds, and Five Pounds additional for every two hundred electors on the roll above two thousand:
- ii. Twice the above rates for any Northern Territory Assembly election.

**171.** No electoral expense shall be incurred or authorised except in respect of the following matters:—

Expenses allowed.

Code, s. 145.

- i. Purchasing electoral rolls:
- ii. Printing, advertising, publishing, issuing and distributing addresses by the candidate, and notices of meetings:
- iii. Stationery, messages, postages, and telegrams:
- iv. Committee rooms:
- v. Public meetings and halls therefor:
- vi. Scrutineers:
- vii. One election agent for each candidate.

**172.** All money provided by any person other than the candidate for any electoral expense shall be paid directly to the candidate personally.

Money provided to be paid to candidate.

Code, s. 147.

**173.** Every electoral expense, except where less than Two Pounds, shall be vouched for by a bill of particulars and by a receipt.

Vouchers.

Code, s. 148.

174. (1) Within

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## CHAPTER VI.

## Returns.

Code, s. 149.

**174.** (1) Within twenty-one days after the result of any election has been declared, or in the case of the Northern Territory within eight weeks after such declaration, every candidate at such election shall sign before a Justice of the Peace and file with the Returning Officer for the State a true return of his electoral expenses (with the vouchers therefor), showing —

(a) All electoral expenses paid ; and

(b) All disputed and unpaid claims for electoral expenses.

(2) The return shall be in the form set forth in the Twenty-first Schedule.

Petition to Court of  
Disputed Returns on  
failure to file return.

Code, s. 150.

**175.** If any candidate, on petition by him to the Court of Disputed Returns, proves to such Court that his failure to file a return or vouchers, as required by the last section, has arisen from illness or inadvertence, or any reasonable cause of a like nature, and not from any want of good faith, or that any error, omission, or false statement in the return or voucher filed has similarly arisen, the Court may permit the filing of the return or vouchers, or of a new return or fresh vouchers, or the amendment of the return or vouchers filed, and may exonerate the candidate from all liability in the matter.

Publication and  
inspection of  
returns.

Code, s. 151.

**176.** The Returning Officer for the State shall, as regards each candidate, and as regards all returns and vouchers filed pursuant to this Chapter—

- i. Forthwith publish in the *Government Gazette* particulars of the total amount of the electoral expenses of the candidate, arranged under the headings of the paragraphs in section 171 :
- ii. Keep the returns and vouchers open for public inspection at his office, without fee, at reasonable hours for three months after filing :
- iii. During the same period supply copies of or extracts from the returns and vouchers at the rate of Six Pence per folio of seventy-two words.

Candidate to prove  
that he has not  
incurred illegal  
expense.

Code, s. 152.

**177.** If, on petition to the Court of Disputed Returns against the return of a candidate, there is proved any electoral expense in respect of any matter other than the matters allowed by section 171 or in excess of the rates allowed by section 170, the election shall be declared void, unless the candidate satisfies the Court that such expense was neither directly nor indirectly incurred by him or on his behalf, or that he had neither directly nor indirectly sanctioned, countenanced, or approved of the same in any way.

Electoral expenses  
not recoverable.

Code, s. 144.

**178.** No electoral expense shall be recoverable in any Court.

## CHAPTER



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## CHAPTER VII.—OFFENCES AND PENALTIES.

## CHAPTER VII.

**179.** To secure the due execution of this Act and the purity of elections, the following acts are hereby prohibited and made offences against this Act:—

Offences and penalties.  
Code, s. 153.

- i. Breach or neglect of official duty:
- ii. Illegal practices, including—
  - (a) Bribery:
  - (b) Undue influence:
- iii. Electoral offences.

**180.** “Breach or neglect of official duty” includes—

Breach or neglect by officers.

- i. Any attempt by any officer to influence the vote of any elector, or, except by recording his vote, the result of any election:
- ii. The disclosure of any knowledge officially acquired by any officer or scrutineer touching the vote of any elector:
- iii. Any neglect or refusal by any officer to discharge any official duty, and any violation by any officer of any provision of this Act:
- iv. Any attempt by a postmaster to influence the vote of any elector making an absent voter's declaration before him.

Code, s. 154  
Com., s. 174.

Breach or neglect of official duty shall be punishable by a fine not exceeding Two Hundred Pounds, or by imprisonment not exceeding one year.

**181.** Whoever—

Bribery

- i. Promises, or offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote or omission to vote, or any support of, or opposition to, any candidate, or any promise of any such vote, omission, support, or opposition:
- ii. Gives or takes any valuable consideration, advantage, recompense, reward, or benefit for, or on account of, any such candidature, withdrawal, vote, omission, support, or opposition, or promise thereof:
- iii. Promises, offers, or suggests any valuable consideration, advantage, recompense, reward, or benefit, for bribery, or gives or takes any valuable consideration, advantage, recompense, reward, or benefit for bribery:

Code, s. 155.

shall be guilty of bribery.

**182.** Without

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Definition of  
"bribery."

Code, s. 156.

**182.** Without limiting the effect of the general words in the next preceding section, "bribery" particularly includes the supply of meat, drink, or entertainment after the nominations have been officially declared, or conveyance or horse or carriage hire for any voter whilst going to or returning from the poll, with the view of influencing the vote of an elector.

Undue influence.

Code, s. 157.

**183.** Whoever—

- i. Threatens, offers, or suggests any violence, injury, punishment, damage, loss, or disadvantage for or on account of, or to induce any candidature, or withdrawal of candidature, or any vote or any omission to vote, or any support or opposition to any candidate, or any promise of any such vote, omission, support, or opposition; or
- ii. Uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage for or on account of any such candidature, withdrawal, vote, omission, support, or opposition; or

W.A., 27, 1907,  
s. 181.

- iii. At any time between the issue of the writ and the close of the poll publishes or exposes, or causes to be published or exposed, to public view any document or writing or printed matter containing any untrue statement defamatory of any candidate, and calculated to influence the vote of any elector, or verbally makes any such untrue statement:

shall be guilty of undue influence.

Definition of  
"undue influence."

Code, s. 158.

**184.** Without limiting the effect of the general words in the next preceding section, "undue influence" includes every interference or attempted interference with the free exercise of the franchise of any elector.

Exception.

Code, s. 159.

**185.** No declaration of public policy or promise of public action shall be deemed bribery or undue influence.

Illegal practices.

Code, s. 160.

**186.** Bribery and undue influence and the following shall be illegal practices:—

- (a) Any personal solicitation by a candidate of the vote of any elector within eight hours before the opening of the poll on polling day, or at any time during polling day before the close of the polling:
- (b) Any attendance by a candidate at any meeting of electors held for electoral purposes within forty-eight hours before noon on polling day, or at any time during polling day before the close of the polling:
- (c) Any contravention of the provisions of Chapter VI. with reference to electoral expenses and the filing of returns and vouchers:
- (d) Any

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## CHAPTER VII.

- (d) Any publication of any electoral advertisement, or any issue of any electoral notice without at the end of the advertisement the name and address of the person authorising the advertisement, or on the face of the notice the name and address of the person authorising the notice.

**187.** Illegal practices shall be punishable as follows:—

Punishment.  
Code, s. 161.

- (a) Bribery or undue influence by a fine not exceeding Two Hundred pounds or by imprisonment not exceeding one year:
- (b) Any other illegal practice by a fine not exceeding One Hundred Pounds or by imprisonment not exceeding six months.

**188.** If any candidate is by the Court of Disputed Returns found to be guilty of any illegal practice he shall be disqualified from election to Parliament for two years, and his election (if he is a successful candidate) shall be declared void.

Disqualification.  
Code, s. 162.

**189.** The matters mentioned in the first column of the table at the foot of this section shall be electoral offences, and shall be punishable as provided in the second column of such table opposite the statement of the offence.

Electoral offences.  
Code, s. 163.

*Table of Electoral Offences and Punishments.*

First Column.—Offences.	Second Column.—Punishments.
Falsely personating any person to secure a ballot-paper to which the personator is not entitled, or personating any other person for the purpose of voting	Imprisonment not exceeding two years Code, s. 168.
Fraudulently destroying or defacing any nomination or ballot paper	Imprisonment not exceeding two years
Fraudulently putting any ballot or other paper into the ballot box	Imprisonment not exceeding six months
Fraudulently taking any ballot-paper out of any polling-booth	Imprisonment not exceeding six months
Forging or uttering, knowing the same to be forged, any nomination or ballot-paper	Imprisonment not exceeding two years
On polling day, in a polling-booth or within fifty yards thereof—	} Fine not exceeding Fifty Pounds, or imprisonment not exceeding three months
(a) Soliciting the vote of any elector; or	
(b) In any way interfering with any elector with the intention of influencing him or advising him as to his vote; or	
(c) Inducing any elector not to vote for any particular candidate; or	
(d) Inducing any elector not to vote at the election	

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*Table of Electoral Offences and Punishments—continued.*

	First Column—Offences.	Second Column—Punishments.
	In any polling-booth on polling day misconducting himself, or failing to obey the lawful directions of the presiding officer	Fine not exceeding Ten Pounds, or imprisonment not exceeding one month
	Supplying any ballot-paper without authority	Imprisonment not exceeding six months
	Unlawfully destroying, taking, opening, or otherwise interfering with any ballot box or ballot-paper	Imprisonment not exceeding six months
	Voting more than once at the same election, or both as an absent voter and personally at the same election	Fine not exceeding Fifty Pounds, or imprisonment not exceeding three months
	Voting in any Division, any Assembly District, or any sub-district other than that in which he resides	Fine not exceeding Twenty Pounds, or imprisonment not exceeding one month.
Com., s. 182.	Wagering on the result of any election	Fine not exceeding Fifty Pounds
Code, s. 163, altered.	Wilfully defacing, mutilating, destroying, or removing any list of voters or copy of the roll signed by the Returning Officer, or any notice, list, or other document affixed by any Returning Officer or presiding officer, or by the authority of either of such officers	Fine not exceeding Two Pounds
	Wilfully making any false statement in or with reference to any claim, application, return, or declaration, or in answer to a question put under the authority of this Act	Imprisonment not exceeding two years
W.A., 27, 1907, s. 188.	Signing as the claimant on a claim to be registered as an elector, or on an application to transfer or change, the name of any other person, with or without the authority of such person, or the name of any fictitious person	Imprisonment not exceeding one year
Com., s. 182.	Distributing any advertisement, handbill, or pamphlet published in contravention of section 186	Penalty not exceeding Twenty Pounds, or imprisonment not exceeding one month
Ibid.	Any contravention of this Act, whether by act or omission, for which no other punishment is provided	Penalty not exceeding Twenty Pounds

Witness to application must satisfy himself of truth of statements.

Com., s. 182B.

**190.** Any person witnessing any claim or any application to transfer or change or any postmaster taking any absent voter's declaration under this Act who, if he is not personally acquainted with the facts, does not satisfy himself by inquiry from the claimant, applicant, or absent voter that the statements contained in the claim, application, or declaration are true, shall be guilty of a contravention of this Act.

**191.** When

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**191.** When any person has signed a claim to be registered as an elector or an application to transfer or change, any other person who induces the claimant or applicant to let him have custody of the claim or application for transmission to the Returning Officer for the State or other officer under this Act, and fails without just cause or excuse to transmit the claim or application to such Returning Officer for the State or other officer, shall be guilty of a contravention of this Act.

Failure to transmit claim.

Com., s. 182c.

**192.** If any person from whom, as by this Act provided, the Returning Officer for the State is entitled to obtain information neglects, or refuses, or delays to furnish such information he shall be guilty of a contravention of this Act.

Penalty for officer's neglect to furnish information.

New.

**193.** Any person who neglects or refuses to furnish, or furnishes in an incomplete form, to any officer or person empowered or required by this Act or any Proclamation under this Act to make inquiries or collect information, any claim or any information required from him by such officer or person in the execution of his duties, or who refuses to answer, or who answers incompletely or wrongly, any question put to him by any such officer or person in the execution of his duties, shall be guilty of a contravention of this Act.

Penalty for not supplying officer with information.

W.A., 27, 1907, s. 192.

**194.** (1) If any employé who is an elector notifies his employer before the polling day that he desires leave of absence to enable him to vote at any election, and the employer does not, if the absence desired is necessary to enable the employé to vote at the election, allow him leave of absence, without any penalty or disproportionate deduction of pay, for such reasonable period, not exceeding two hours, as is necessary to enable the employé to vote at the election, such employer shall be guilty of a contravention of this Act.

Employers to allow employé leave of absence to vote.

Com., s. 182d.

(2) If any employé, having obtained leave of absence under this section, does not vote at the election, he shall, in the absence of a satisfactory reason, be guilty of a contravention of this Act.

(3) This section shall not apply to any employé whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

**195.** If any person purporting to act for and on behalf of a candidate incurs or authorises any electoral expense without the written authority of the candidate or of his election agent, he shall be guilty of a contravention of this Act.

Expenditure on behalf of a candidate.

Com., s. 185.

W.A., 27, 1907, s. 196.

**196.** Any person who neglects or fails to do any act or thing which by this Act he is required to do, or does any act or thing which is forbidden by this Act, shall be guilty of a contravention of this Act.

Contravention of the Act.

New.

**197.** (1) Whoever in any polling-booth on any polling day misconducts himself, or fails to obey the lawful directions of the presiding officer, may be removed from the polling-booth by any member of the Police Force, or by the presiding officer or any person authorised by the presiding officer.

Offenders may be removed from polling-booth.

Code, s. 164.

(2) Any

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Code, s. 165.

(2) Any person so removed who re-enters or attempts to re-enter the polling-booth without the permission of the presiding officer shall be guilty of a further electoral offence, punishable on conviction by twice the penalties prescribed for the original offence.

**Liability for indirect acts.**

Code, s. 169.

Com., s. 186.

**198.** Every person shall be liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf, and with his knowledge or authority.

**Attempts.**

Com., s. 187.

**199.** Any attempt to commit any offence against this Act shall be an offence against this Act punishable as if the offence had been committed.

**Cross-examination of witnesses.**

Code, s. 166.

**200.** (1) Witnesses called on the part of the prosecutor in any prosecution for an offence under this Act may, unless the Court or Special Magistrate or Justices order the contrary, be cross-examined by the prosecutor or his counsel.

**Hostile witnesses.**

Code, s. 167.

(2) The Court or Special Magistrate or Justices may, without argument, order that the prosecutor or his counsel be not allowed to cross-examine any witness called on his part if such witness appears to the Court or Special Magistrate or Justices to be hostile to the person charged.

**Certificate of Returning Officer, evidence.**

Code, s. 170.

**201.** On any prosecution under this Act the certificate of the Returning Officer that the election mentioned in the certificate was duly held and that the person named in the certificate was a candidate at such election shall be conclusive evidence of the matter stated.

**Hard labor may be awarded.**

Com., s. 189.

**202.** Where imprisonment may be awarded for an offence against this Act it may be awarded with or without hard labor.

**Indictable offences.**

Com., s. 190.

**203.** Offences against this Act punishable by imprisonment exceeding one year are indictable offences.

**Other offences tried summarily.**

Cf. Code, s. 197.

**204.** All proceedings in respect of offences against this Act, other than indictable offences, shall be by information, and shall be heard and determined in a summary way by a Special Magistrate or two Justices of the Peace, and shall be regulated by the Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," and any other Act for the time being relating to summary proceedings.

**Appeals.**

Cf. Code, s. 198.

**205.** (1) There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction from any order or conviction under the next preceding section or from any order dismissing any information under that section.

(2) Such appeal shall be regulated by the said Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," and any Act for the time being in force relating to appeals to Local Courts.

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Courts. The Court in such appeal may make any order as to costs which it thinks fit, although such costs exceed Ten Pounds. CHAPTER VII.

(3) Such Local Court may state a special case for the opinion of the Supreme Court. Special case.

(4) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to the costs of the proceedings in that Court and in the Courts below, as to the said Supreme Court appears just.

## CHAPTER VIII.—DISPUTED RETURNS.

## CHAPTER VIII

206. There shall be a Court of Disputed Returns, in this Part called "the Court." The Court.  
Code, s. 171.

207. The Court shall be constituted of the Junior Puisne Judge of the Supreme Court, or the sole Judge of the Supreme Court for the time being acting as such, and— Constitution.  
Code, s. 172.

- I. Four Members of the Council, in Council cases:
- II. Four Members of the Assembly, in Assembly cases.

208. The members of the Court, other than the Judge, shall be elected— Election.  
Code, s. 173.

- I. As to the Council Members, by the Members of the Council after each periodical or general election:
- II. As to the Assembly Members, by the Members of the Assembly after each general election.

209. If any member of the Court, other than the Judge, dies, or resigns, or refuses to act, or vacates his seat in the House which elected him, he shall cease to be a member of the Court, and the vacancy shall be filled by another election. Vacancy.  
Code, s. 174.

210. If either House fails to elect members of the Court for one week after the first meeting of such House, at which such election could be made, the vacancies shall be supplied by nomination of the necessary members or member by the President or Speaker of the House affected. Failure to elect.  
Code, s. 175.

211. All elections or nominations to the Court shall be recorded in the proceedings of the House from which the election or nomination is made; and a copy of the record, certified by the Clerk of the House, shall be conclusive proof of the proper constitution of the Court. Records.  
Code, s. 176.

212. The Court shall not meet unless convened by order of either House. Meeting.  
Code, s. 177.

213. The Judge shall be the President of the Court. President of Court.  
Code, s. 178.

214. The

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## CHAPTER VIII.

## Declaration.

Code, s. 179.

**214.** The Court shall not proceed to hear any case until each of its members has subscribed the following declaration:—

“ I, , being a member of the Court of Disputed Returns, do solemnly promise that I will do justice in all matters brought before this Court to the best of my ability.”

## Jurisdiction.

Code, s. 180, altered.

**215.** The Court shall have jurisdiction to hear and determine all questions of disputed returns referred to it by either House, and affecting the House by which the reference is made, and also to hear petitions for exoneration from liability for failure to file returns or vouchers under Chapter VI.

## Powers.

Code, s. 181.

Com, s. 197.

**216.** (1) The Court shall sit as an open Court, and its powers shall include the following:—

- i. To adjourn:
- ii. To compel the attendance of witnesses and the production of documents:
- iii. To examine witnesses upon oath, affirmation, or declaration:
- iv. Subject to any rules made under section 231, to regulate the form and mode of its proceedings in each case:
- v. To declare that any person who was returned as elected was not duly elected:
- vi. To declare any candidate duly elected who was not returned as elected:
- vii. To declare any election void:
- viii. To dismiss or uphold any petition, in whole or in part:
- ix. To award any costs:
- x. To punish any contempt of its authority by fine or imprisonment.

Com., s. 197 (2.)

(2) The Court may exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks just and sufficient.

Com., s. 197 (3).

(3) Without limiting the powers conferred by this section, it is hereby declared that the power of the Court to declare that any person who was returned as elected was not duly elected, or to declare an election void, may be exercised on the ground that illegal practices were committed in connection with the election.

Return only to be disputed by petition.

Code, s. 182 (part).

**217.** No return on a writ shall be disputed except by petition to the Court.

**218.** No



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**218.** No petition to the Court shall be noticed nor shall any proceedings be had thereon unless the petition—

## CHAPTER VIII.

## Petitions.

Code, s. 182.

- i. Is addressed to the House affected, and presented to such House by a Member thereof, or left with the Clerk thereof, within the following times:—

- (a) In the case of a petition against a return, within twenty-eight days after the day of the declaration of the poll at the election:

- (b) In the case of a petition under section 175 for exoneration from liability, before any proceedings have been commenced to enforce such liability.

- ii. Is signed by a candidate at the election in dispute or by a person who was qualified to vote thereat, the signature being attested by two witnesses, whose occupations and addresses are stated:

- iii. Is, in case of a petition against a return, accompanied by a certificate of the Clerk of the House affected that Fifty Pounds has been lodged with him as security for costs.

**219.** Every petition shall, within ten days after it has been received, be referred to the Court if Parliament is then in Session, but, otherwise, within ten days after the commencement of the next Session of Parliament.

Time.

Code, s. 183.

**220.** The Court shall inquire whether or not the petition is duly signed, but the Court shall not inquire into the correctness of any electoral roll, or into the qualification of any nominator, or into the sufficiency of any nomination, or into the qualifications of persons whose votes have been either admitted or rejected, but so far as rolls and voting are concerned, only into the identity of the persons, and whether their votes were improperly admitted or rejected, assuming the rolls to be correct.

Inquiries by Court.

Code, s. 184.

**221.** (1) If the Court finds that a candidate has committed or has attempted to commit bribery or undue influence, his election, if he is a successful candidate, shall be declared void.

Voiding election for illegal practices.

Com., s. 198A.

(2) No finding by the Court shall bar or prejudice any prosecution for any illegal practice.

(3) The Court shall not declare that any person returned as elected was not duly elected, or declare any election void—

- (a) On the ground of an illegal practice committed by any person other than the candidate and without his knowledge or authority; or

- (b) On the ground of any illegal practice other than bribery or undue influence or attempted bribery or undue influence, unless

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unless the Court is satisfied that the result of the election was likely to be affected thereby, and that it is just that the candidate should be declared not to be duly elected or that the election should be declared void.

Court to report cases  
of illegal practices.  
Com., s. 198a.

**222.** When the Court finds that any person has committed an illegal practice the Clerk of the House affected shall forthwith report the finding to the Minister.

Substantial merits to  
be observed.  
Code, s. 185.

**223.** The Court shall be guided by the substantial merits and good conscience of each case without regard to legal forms, technicalities, or solemnities, or questions of practice or procedure, and then shall direct themselves by the best evidence that they can procure, or that is laid before them, whether the same is such evidence as the law would require or permit in other cases or not.

Immaterial errors not  
to vitiate election.  
Code, s. 136.  
Com., s. 200.

**224.** No election shall be declared void on account of any delay in the declaration of nominations, the polling, or the return of the writ, or on account of the absence or error of any officer which is not proved to have affected the result of the election.

Limitation of  
sitting days.  
Code, s. 187.

**225.** The proceedings of the Court shall in no case extend beyond the period of five sitting days, or such further period (if any) as is allowed by resolution of the House by which the Court was convened. If no decision is come to by a majority of the Court within five sitting days or such further period (if any), the President shall pronounce a decision.

Decisions to be  
final.  
Code, s. 188.

**226.** All decisions of the Court, whether pronounced by the Court or a majority or by the President, shall be final and conclusive without appeal, and shall not be questioned in any way.

Minutes.  
Code, s. 189.

**227.** The Court shall be attended by an officer of the House affected, who shall minute the proceedings as directed by the Court, and a copy of the minutes shall be furnished to such House.

Deposit applicable  
for costs.  
Code, s. 190.

**228.** If costs are awarded to any party against the petitioner, the deposit, on the order of the President or Speaker (as the case may be), shall be applicable in payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner.

Other costs.  
Code, s. 191.

**229.** All other costs awarded by the Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the order of the Court were a judgment of the Supreme Court, and such order, certified by the President of the Court, shall be entered as a judgment of the Supreme Court, and shall be enforced accordingly.

**230.** Effect

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**230.** Effect shall be given to any decision of the Court, as follows:—

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Effect of decision.

Code, s. 192.

- i. If any person returned is declared not to have been duly elected, he shall cease to be a Member of the Council or Assembly (as the case may be):
- ii. If any person not returned is declared to have been duly elected, he shall take his seat accordingly:
- iii. If any election is declared void, a new election shall be held.

**231.** (1) The Judges of the Supreme Court or any two of them may make such Rules of Court, not being inconsistent with this Act, as may be necessary or convenient for carrying this Chapter into effect, and in particular for regulating the practice and procedure of the Court, the forms to be used, and the fees to be paid by the parties.

Power to make Rules of Court.

W.A., s. 171 (1 to 4).

(2) All Rules of Court made in pursuance of this section shall be laid before both Houses of Parliament within one month next after the same are made if Parliament is then sitting, or, if not, within one month after the then next meeting of Parliament; and, if not disallowed by express resolution of both Houses of Parliament within one month from the time within which the same should be laid before such Houses, such rules shall, after the expiration of such month, be conclusively deemed to be valid and shall have the force of law and be judicially noticed.

To be laid before Parliament.

Cf. Sup. Ct. Act, 116, 1878, s. 29.

## CHAPTER IX.—SUPPLEMENTARY.

## CHAPTER IX.

**232.** In all cases where it is impracticable to communicate any electoral information or matter by post without occasioning undue delay, any telegraphic advice communicated in the ordinary course shall suffice for all the purposes of this Act as if the information or matter telegraphed had been communicated in manner provided by this Act.

Electoral matter may be telegraphed.

876, 1904, s. 11.

**233.** It shall be lawful for the Governor, by Proclamation, to make such alterations and additions to the forms in the Schedules contained in this Act or any Act amending this Act as he may think fit.

Power to amend Schedules to Electoral Act.

Ibid., s. 6.

**234.** Notwithstanding anything contained in the "Stamp Act, 1886," or any Act amending or substituted for that Act, no stamp duties shall be charged upon any declaration made for the purposes of any provision of this Act.

No stamp duty on any declaration.

New.

372 of 1886.

**235.** All moneys received for printed copies of electoral rolls shall be paid to the Treasurer.

All moneys to revenue.

**236.** (1) The fees and sums set forth in the Twenty-second Schedule shall be paid to the officers therein mentioned for the performance of the several duties therein mentioned.

Scale of fees.

141, 1879, s. 44.

352, 1886, s. 4.

(2) When

*The Electoral Code.—1908.***CHAPTER IX.**

(2) When both Council and Assembly elections are held on the same day only one set of fees shall be paid to such officers.

Mode of giving notices.

Tas., 6, 1907, s. 193.

**237.** When any officer is by this Act required or authorised to give a public notice, and no special mode of giving it is mentioned, he may give it by advertisement, placards, handbills, or such other means as he thinks best calculated to give the information to the electors interested.

Voting-machines.

N.Z., 29, 1905, s. 226.

**238.** (1) The Governor may, by Order in Council and published in the *Government Gazette*, direct that at any election a voting-machine specified in the order shall be used by way of experiment, and such order shall be complied with by the Returning Officer at such election.

(2) By such order the Governor shall prescribe the mode in which the machine shall be used.

(3) On the making of any such order the Returning Officer for the State shall provide the Returning Officer with a sufficient number of such voting-machines.

Regulations.

Cf. Code, s.s. 195, 6.

**239.** (1) The Governor may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which may be necessary or convenient for giving effect to this Act, and any such regulation may impose a penalty not exceeding Twenty Pounds for any breach thereof or of any regulation under this Act.

(2) All such regulations shall—

(a) Be published in the *Government Gazette* ;

(b) Take effect from the date of such publication, or from a later date, to be specified therein ; and

(c) Be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

Disapproval by Parliament.

(3) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same is disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulation has been laid before Parliament, if Parliament is so long in Session : Provided that if Parliament is not in Session for thirty days after such regulation has been laid before it, then such regulation shall not continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

**SCHEDULES.**

*The Electoral Code.—1908.*

## SCHEDULES.

THE FIRST SCHEDULE.  
ENACTMENTS REPEALED.

Sec. 2.

Enactments Repealed.	Title.	Extent of Repeal.
No. 15 of 1872	An Act to provide for the issue of Writs for the Election of Members of Parliament in certain cases	So far as not repealed by "The Electoral Code, 1896."
No. 141 of 1879	"The Electoral Act, 1879" .....	
No. 183 of 1880	An Act to amend "The Electoral Act, 1879"	
No. 242 of 1882	"The Electoral Amendment Act, 1882" ....	
No. 280 of 1883	The "Electoral Act Further Amendment Act, 1883"	
No. 352 of 1885	"The Electoral Act Further Amendment Act, 1885"	
No. 469 of 1889	An Act to alter the Hours of Voting at Parliamentary Elections	
No. 498 of 1890	"The Absent Voters Electoral Act, 1890" ..	
No. 577 of 1893	An Act to amend "The Absent Voters Electoral Act, 1890"	The whole.
No. 667 of 1896	"The Electoral Code, 1896" .....	
No. 759 of 1901	An Act for bringing the Electoral Rolls into Force and to amend the Law as to Absent Voters	The whole.
No. 876 of 1904	"The Electoral Laws Amendment Act, 1904"	The whole, except section 1, so much of section 2 as deals with the qualification of electors for the House of Assembly, and section 4.
No. 920 of 1907	"The Council Franchise Extension Act, 1907"	Sections 6, 7, 8, and 9.

THE

*The Electoral Code.—1908.*THE SECOND SCHEDULE.  
LEGISLATIVE COUNCIL.

Secs. 10 12, 14.

Name of District.	Number of Members to be Returned.	Assembly Districts comprised in Council Districts.	Place of Nomination.
Central Electoral District .....	6	Divisions—Adelaide, Port Adelaide, Torrens .....	Town Hall, Adelaide.
Southern Electoral District .....	4	“ Victoria and Albert, Alexandra, Murray .....	Strathalbyn.
Midland Electoral District .....	4	“ Barossa, Woorora, Wallaroo .....	Kapunda.
Northern Electoral District .....	4	“ Stanley, Burra Burra, Flinders, and Northern Territory	Port Pirie.
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## HOUSE OF ASSEMBLY.

Name of District.	Number of Members to be Returned.	Former Assembly Districts comprised in Assembly Districts.	Place of Nomination and Chief Polling Place.	Polling Places.
Adelaide District .....	4	East Adelaide .... West Adelaide .... North Adelaide .....	{ Town Hall, Adelaide ..	{ Destitute Asylum; General Post Office, Adelaide; Lower North Adelaide, Nailsworth, North Adelaide, Prospect, Walkerville.
Port Adelaide District .....	3	{ Port Adelaide .... West Torrens .....	{ Town Hall, Port Adelaide	{ Alberton, Brompton, Grand Junction, Henley Beach, Hilton, Hindmarsh, LeFevre's Peninsula, Plympton, Rosewater, Thebarton, Woodville, York.

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Torrens District .....	5	{ East Torrens ..... Sturt .....	{ Town Hall, Unkey ....	{ Athelstone, Belair, Brighton, Burnside, Campbelltown, Eastwood, Glenelg, Glen Osmond, Goodwood, Hackney, Hyde Park, Kent Town, Magill, Marryatville State School, Mitcham, North Norwood, Norwood Town Hall, Parkside, Payneham, Rose Park, South Road, St. Peters, Sturt, Upper Sturt, Wayville.
Victoria and Albert District.	3	{ Victoria ..... Albert .....	{ Mount Gambier .....	{ Beachport, Bordertown, Connurra, Cooke's Plains, Coonalpyn, Frances, Furner, Glencoe, Glenroy Railway Station, Kalangadoo, Keith, Kincraig, Kingston, Kingston Village Settlement, Lameroo, Loxton, Lucindale, Lyrup, Meningie, Millicent, Mundulla, Murtho, Nildottie, Paisley, Parilla, Parrakie, Peake, Penola, Pinnaroo, Point McLeay, Port MacDonnell, Rendelsham, Robe, Sherlock, Tailem Bend, Tantanoola, Tintinara, Waikerie, Wellington East, Wolseley.
Alexandra District .....	4	{ Mount Barker ..... Encounter Bay ..... Noarlunga .....	{ Strathalbyn .....	{ Aldinga, Ashbourne, Bullaparinga, Bull's Creek, Cape Jervis, Cherry Gardens, Clarendon, Coromandel Valley, Currency Creek, Echunga, Goolwa, Hahndorf, Happy Valley, Hog Bay, Inman Valley, Ironbank, Kangarilla, Kingscote, Langhorne's Creek, Maclefield, McLaren Vale, Meadows, Middleton, Milang, Mount Barker, Mount Compass, Morphet Vale, Mylor, Myponga, Nangkita Village Settlement, Noarlunga, Port Elliot, Port Victor, Salt Lagoon (Kangaroo Island), Queen's Own Town, Scott's Creek, Second Valley, Sellick's Hill, Stirling West, Torrens Vale, Wellington West, Willunga, Woodchester, Yankalilla.
Murray District .....	3	{ Onkaparinga ..... Gumeracha .....	{ Woodside .....	{ Balhannah, Basket Range, Black Hill, Blumberg, Bowhill, Callington, Curnamont, Forest Range, Gumeracha, Harrowgate, Houghton, Kanmantoo, Lobethal, Maidstone, Mannum, Millbrook, Monarto, Montacute, Mount Pleasant, Mount Torrens, Murray Bridge, Nairne, Norton's Summit, Palmer, Rhine Villa, Sanderston, Springton, Stirling East, Teatree Gully, Tungkillo, Uraidla, Walker's Flat.

HOUSE

*The Electoral Code.—1908.***HOUSE OF ASSEMBLY—continued.**

Name of District.	Number of Members to be Returned.	Former Assembly Districts comprised in Assembly Districts.	Place of Nomination and Chief Polling Place.	Polling Places.
Barossa District .....	3	{ Barossa ..... { Yatala .....	{ Gawler .....	{ Angaston, Anna, Blanchetown, Buchsfelde, Dry Creek, Dublin, Enfield, Gilles Plains, Keyneton, Lyndoch Valley, Mallala, Moculta, Nuriootpa, One Tree Hill, Redbanks, Salisbury, Sedan, Smithfield, Stockwell, Tanunda, Truro, Two Wells, Virginia, Wasleys, Williamstown.
Wooroora District .....	3	{ Light ..... { Wooroora .....	{ Kapunda .....	{ Alma, Auburn, Australia Plains, Balaklava, Brownlow (section 42, hundred of), Dutton Town, Ebenezer, Eudunda, Freeling, Greenock, Halbury, Hamley Bridge, Hoyleton, Linwood, Marrabel, Morgan, Mount Mary, Mount Templeton, Nantawarra, Owen, Point Pass, Port Wakefield, Rhynie, Riverton, Robertstown, Sheoak Log, Stockport, Sutherlands, Tarlee, Watervale.
Walleroo District.....	3	{ Wallaroo ..... { Yorke Peninsula ..	{ Wallaroo .....	{ Agery, Alford, Ardrossan, Arthurton or Kalkabury, Brentwood, Bute, Corny Point, Curramulka, Edithburgh, Green's Plains, Kadina, Kulpara, Maitland, Minlaton, Moonta, Mount Rat, Port Victoria, Port Vincent, Price, South Hummocks, Stansbury, Urania, Warooka, Yorketown.
Stanley District.....	3	{ Gladstone ..... { Stanley .....	{ Port Pirie .....	{ Blyth, Brinkworth, Caltowie, Clare, Crystal Brook, Georgetown, Gladstone or Booyoolie, Gulnare, Koolunga, Laura, Lochiel, Mintaro, Mundooora, Narridy, Port Broughton, Redhill, Rochester, Sevenhills, Snowtown, Spalding or Trelyn, Wandearah, Warner-town, Yacka.



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Barra Burra District .....	3	<p>Frome ..... Burra.....</p> <p>Petersburg .....</p>	<p>Belalie North, Black Rock, Black Springs, Booborowie, Booleroo Centre, Bright (section 47, hundred of), Dawlish, Dawson, Emu Downs, Franklyn, Halleit, Hanson, Jamestown, Kooringa or Redruth, Lancelot, Mallett, Mambray Creek, Mannahill, Mannanarie, Manoorra, Melrose, Morchard, Mount Bryan, Mount Bryan East, Murrumbidgee, Murray Town, Nackara, Oodlatria, Orreroo, Overland Corner, Parnaroo, Pekina, Port Germein, Renmark, Saddleworth, Spring Creek, Steelton, Tarcowie, Telowie, Terowie, Tohill's Belt, Walloway, Waterloo, Willowie, Wirrabara, World's End or Lapford, Yarcowie, Yarrowie, Yatina, Yungala, Yunta.</p>
Flinders District .....	3	<p>Newcastle ..... Flinders.....</p> <p>Port Augusta .....</p>	<p>Beltana, Belton, Blinman, Bookabie, Boolcunda East, Bruce, Calca, Carrieton, Charra, Cleve, Cockburn, Colton, Cordillo Downs, Coult, Cowell, Craddock, Cummins (Hundred of) Denial Bay, Edeowie, Edillie, Eureka, Farina Town, Gibson's Camp, Gordon, Hammond, Hawker, Hookina, Hummock Hill, Iron Knob, Johnburg, Koppio, Lake Wangary, Leigh's Creek, Limestone Well, Lyndhurst Siding, Marree, Merghiny, Mount Hope, Mount Wedge, Murat Bay, Nanning, Olary, Oodnadatta, Parachina, Penong, Petina Well, Port Augusta West, Port Elliston, Port Lincoln, Quorn, Saltia, Sheringa, Smoky Bay, Stirling North, Streaky Bay, Talia, Tarcoola, Teetulpia, Tumby Bay, Warcowie, Waukaringa, Willapa, William Creek, Wilmington, Wilson, Witera, Wooltana, Wyacca, Yalata, Yanyarrie, Yardea, Yarandale.</p>
District Northern Territory ..	2	Northern Territory.	<p>*Alice Springs, Anthony's Lagoon, Arltunga, Barrow's Creek, Borrooloola, Brock's Creek, Burrundie, Charlotte Waters, Daly River Copper Mine, Daly Waters, Horseshoe Bend, Horseshoe Creek, Ironstone Blow (Yam Creek), Katherine, Pine Creek, Powell's Creek, Tennant's Creek, Union, West Arm, Tinfields.</p>
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\* The following are the only polling-places for the Legislative Council within the Northern Territory, viz.:—Palmerston, Alice Springs.

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*The Electoral Code.—1908.*

Sec. 52.

## THE THIRD SCHEDULE.

STATE OF SOUTH AUSTRALIA.

LEGISLATIVE COUNCIL ELECTORAL ROLL.

[Name of District] DISTRICT, [Name of Division] DIVISION.

ROLL OF ELECTORS FOR THE POLLING-PLACE (or SUB-DISTRICT) OF [Name].

*Name in Full, Place of Residence, Occupation, Nature of Qualification, Where Property Affording Qualification is Situated.*

Sec. 52.

## THE FOURTH SCHEDULE.

STATE OF SOUTH AUSTRALIA.

HOUSE OF ASSEMBLY ELECTORAL ROLL.

[Name of District] DISTRICT.

ROLL OF ELECTORS FOR THE POLLING-PLACE (or SUB-DISTRICT) OF [Name].

*Name in Full, Place of Living, Occupation, and Sex of Each Elector.*

M signifies male, F signifies female.

Sec. 67.

## THE FIFTH SCHEDULE.

LEGISLATIVE COUNCIL.

ELECTORAL CLAIM AND DECLARATION.

To the Returning Officer for the State, Adelaide.

I, [Christian and surname in full], of [residence and occupation], do hereby claim to be registered on the electoral roll for the polling-place of [name of polling-place], in the [name of Division] Division, and do hereby solemnly and sincerely declare—

1. I am a natural born (or naturalised) British subject.
2. I am not under twenty-one years of age, and am an inhabitant of South Australia, and have resided in South Australia for six months prior to the date of this electoral claim.
3. I reside within the Division above mentioned.
4. I am not, within my knowledge, registered on the electoral roll for any other Division.
5. I possess the following qualification, namely:—(a)

Dated the                      day of                      , 19   .

Usual signature—

Signed and declared before me—

Signature of witness \*—

Address of witness—

Occupation or description of witness—

(a) State what qualification is possessed, and if a property qualification, state where situated—

- (1) I am in occupation of a dwelling-house (or a dwelling-house and premises appurtenant thereto) in respect whereof I am liable for and pay a rent at the rate of not less than Seventeen Pounds per annum.

(2) 1

- (2) I am the owner of a freehold estate in possession of the clear value of Fifty Pounds above all charges and encumbrances affecting the same.
- (3) I am the registered proprietor of a Crown lease on which there are improvements to the value of at least Fifty Pounds, which are my property.
- (4) I am a registered leaseholder in possession of the clear annual value of Twenty Pounds, with three years to run (*or* with right of purchase).
- (5) I am a head teacher of a college (*or* school) and reside in premises belonging to or used in connection with such college (*or* school).
- (6) I am a postmaster (*or* postmistress) in charge of and resident in a building used as or in connection with a post office.
- (7) I am a railway stationmaster and reside in premises belonging to His Majesty's Government of the State of South Australia.
- (8) I am a member of the Police Force in charge of a police station.
- (9) I am an officiating minister of religion.

**, Returning Officer for the State.**

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Sec. 70.

## THE SEVENTH SCHEDULE.

## NOTICE OF REJECTION OF CLAIM TO BE REGISTERED.

Notice is hereby given that I have decided that your name is not to be registered on the Legislative Council (*or* Assembly) roll for the polling-place of in the Division (*or* District) of , because I am not satisfied as to [*here state matters as to which the Returning Officer for the State is not satisfied*].

You are entitled, at any time within one month after the receipt of this notice, to make application to the Local Court nearest to which you reside for an order directing that your name be added to the roll.

Dated the                      day of                      , 19                      , Returning Officer for the State.

Secs. 71, 73, 76.

## THE EIGHTH SCHEDULE.

## APPLICATION FOR TRANSFER, CHANGE, ALTERATION, OR CORRECTION.

To the Returning Officer for the State, Adelaide.

I hereby apply to have my Electoral Registration changed as set forth in Table II. hereunder.

TABLE I.

*Particulars as shown on Rolls.*

Surname.	Christian Names at full length.	Place of Residence.	Occupation.	Nature of Qualification for Legislative Council.	Where Property affording Qualification for Legislative Council is Situated.	Polling-place.

TABLE II.

Surname.	Christian Names at full Length.	Place of Residence.	Occupation.	(a) Nature of Qualification for Legislative Council.	(b) Where Property affording Qualification for Legislative Council is Situated.	Polling-place.

Signature of Applicant

Dated this

day of

Signature of Witness(\*)—

Address of Witness—

Occupation or description of Witness—

(a) State what qualification is possessed—

- (1) I am in occupation of a dwelling-house (*or* a dwelling-house and premises appurtenant thereto) in respect whereof I am liable for and pay a rent at the rate of not less than Seventeen Pounds per annum.

(2) I





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My full name, place of residence, and occupation are as follows :—

[*Christian and surname in full.*]  
[*Place of residence.*]  
[*Occupation.*]

Dated the                      day of                      , 19                      .  
[*Usual signature.*]

## THE FIFTEENTH SCHEDULE.

Sec. 93.

## FORM OF WRIT.

State of South [Royal Arms] Australia.

To                      Returning Officer for the                      District, in the State of  
South Australia :  
Greeting—

By virtue of the provisions of "The Electoral Code, 1908," I, His Excellency the Governor (*or the Honorable the President of the Legislative Council, or the Honorable the Speaker of the House of Assembly*), hereby command you that you cause election to be made according to law of                      member for the [*here set out name of District for which election is to be held*] to serve in the Legislative Council (*or House of Assembly*) of the said State, and I appoint the following dates for the purposes of the said election :—

1. For nomination,                      , the                      day of                      , 19                      .
2. For taking the poll at the different polling-places (in the event of the election being contested),                      , the                      day of                      , 19                      .
3. For return of writ, on or before                      , the                      day of                      , 19                      .

Given [*if issued by the Governor, "under my hand and the public seal of South Australia"; if issued by the President or Speaker, "under my hand and seal"*] at Adelaide, the                      day of                      , 19                      .

## [INDORSEMENTS.]

I,                      , Returning Officer for the                      District,  
do hereby certify that I have received the within writ on the                      day of  
                    , 19                      .

                    , Returning Officer.

I,                      , Returning Officer for the                      District, do hereby  
certify that on the\*                      day of                      ,                      duly  
elected member                      to serve in the Legislative Council (*or House of Assembly*) for  
the said District.

The number of votes polled by the candidates were as follows :—

[*Insert names of the candidates and votes polled by each.*]

\*[*Fill in date of nomination if election uncontested, and date of polling day if contested.*]

                    , Returning Officer.

The execution of this writ appears by the indorsements made by me hereon, and sealed up and transmitted by me to His Excellency the Governor (*or the Honorable the President of the Legislative Council, or the Honorable the Speaker of the House of Assembly*).

Dated the                      day of                      19                      .  
                    , Returning Officer for the                      District.

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Sec. 103.

## THE SIXTEENTH SCHEDULE.

## LEGISLATIVE COUNCIL NOMINATION PAPER.

To the Returning Officer for \_\_\_\_\_ District.

Sir—We, the undersigned, being electors entitled to vote at an election for the \_\_\_\_\_ District, and being registered on the electoral roll for the polling-place of \_\_\_\_\_, do hereby nominate [*Christian and surname, residence, and occupation of person nominated*] as a candidate to serve in Parliament as a member of the Legislative Council for the said District.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signatures.	Residences and Occupations of Nominators.
_____	_____

I, \_\_\_\_\_, of \_\_\_\_\_, consent to the above nomination, and to act if elected.

[*Signature of candidate.*]

Witness—  
Address—

N.B.—The candidate's consent to the nomination may be on a separate paper and in any form, but if given on the nomination paper in the above form its sufficiency is not to be questioned.

Sec. 103.

## THE SEVENTEENTH SCHEDULE.

## HOUSE OF ASSEMBLY NOMINATION PAPER.

To the Returning Officer for the \_\_\_\_\_ District.

Sir—We, the undersigned, being electors entitled to vote at an election for the \_\_\_\_\_ District, and being registered on the electoral roll for the polling-place of \_\_\_\_\_, do hereby nominate [*Christian, surname, residence, and occupation of person nominated*] as a candidate to serve in Parliament as a member of the House of Assembly for the \_\_\_\_\_ District.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signatures.	Place of Living and Occupations of Nominators.
_____	_____

I, \_\_\_\_\_, of \_\_\_\_\_, consent to the above nomination, and to act if elected.

[*Signature of candidate.*]

Witness—  
Address—

N.B.—The candidate's consent to the nomination may be on a separate paper and in any form, but if given on the nomination paper in the above form its sufficiency is not to be questioned.

Sec. 112.

## THE EIGHTEENTH SCHEDULE.

## ABSENT VOTER'S DECLARATION AND BALLOT-PAPER.

## LEGISLATIVE COUNCIL (or HOUSE OF ASSEMBLY).

To the Deputy Returning Officer of the \_\_\_\_\_ Division (or To the Returning Officer for the \_\_\_\_\_ District).

I, [*Christian and surname in full*], of [*residence and occupation*], do hereby declare (A) as follows:—

1. I am the person whose name appears as [*set out name as appearing on the roll*] on the Legislative Council (or House of Assembly) roll for the polling-place of \_\_\_\_\_, within the above Division (or District).

II. I



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- II. I am of the full age of twenty-one years.  
 III. I reside within the said Division (or District).  
 IV. I am qualified to vote at this election.  
 V. I have not already voted, as an absent voter or otherwise, at this election.  
 VI. I have not already voted, as an absent voter or otherwise, at this election for any other Division (or District).

I make this declaration to entitle me to vote as an absent voter, believing that I am entitled to so vote.

My reason for believing that I am entitled to so vote is that [Note.—*The elector will strike out any ground which does not apply to his particular case, as only one ground is necessary. Ground No. 3 applies only to female electors*].—

- I. I will not on polling day during the hours of polling be within fifteen miles of the polling-place on the roll of which I am registered.  
 II. I will on polling day be in quarantine within the State of South Australia.  
 III. I will not on polling day during the hours of polling, on account of illhealth or infirmity, be able to attend at the polling-place on the roll for which I am registered.

I promise not to vote again at this election.

Signed and declared before me the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the post office at \_\_\_\_\_ [Usual signature.]

[Postmaster (B) to sign here and stamp with the post office letter stamp of the date upon which the declaration is made.]

(A) Any person wilfully making any false statement in this declaration is liable to imprisonment not exceeding two years.

Any person voting more than once at the same election, or both as an absent voter and personally at the same election, is liable to a fine not exceeding Fifty Pounds or to imprisonment not exceeding three months.

(B) The declaration is to be made before a postmaster, or postmistress, or a person for the time being executing the functions of a postmaster, and only at the post office of which such postmaster, postmistress, or person is in charge.

N.B.—Any person taking any absent voter's declaration who, if he is not personally acquainted with the facts, does not satisfy himself by inquiry from the absent voter that the statements contained in the declaration are true, is liable to a penalty not exceeding Fifty Pounds.

This form, if posted addressed to the Returning Officer for the Assembly District, will travel free, provided it is marked on the outside "Electoral paper only."

## LEGISLATIVE COUNCIL (or HOUSE OF ASSEMBLY).

## ABSENT VOTER'S BALLOT-PAPER.

First Column.	Second Column.
<p><i>Instructions.</i></p> <p>The vote shall be recorded as follows:—</p> <ol style="list-style-type: none"> <li>The voter shall exhibit this ballot-paper unmarked and with the declaration attached to the postmaster before whom the declaration is made.</li> <li>The voter shall then, in the presence of the postmaster, but so that the postmaster shall not see what the voter writes, write in the Second Column of this ballot-paper the name or names of the candidate or candidates for whom he votes, and, without detaching the declaration, shall fold and securely fasten the ballot-paper so as to conceal the name or names of the candidate or candidates.</li> <li>He shall address and post this ballot-paper, with the declaration attached, to the Returning Officer for the Division or Assembly District for which the vote is exercised.</li> </ol> <p>N.B.—The postmaster must not look at the names written by the voter on the ballot-paper.</p>	<p>Below write the name or names of the candidate or candidates you vote for.</p>

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Sec. 124.

## THE NINETEENTH SCHEDULE.

## BALLOT-PAPER.

Legislative Council, [*name of District*] District (or House of Assembly [*name of District*] District). Number of members to be elected [*state number*].

## CANDIDATES.

- ☐ Anderson, Robert James.
- ☐ Barnett, Henry.
- ☐ Colman, Charles.
- ☐ Formby, Alfred.
- ☐ Martin, George Gozzard,
- ☐ Mathews, Charles Llandaff.
- ☐ Stephens, Owen Hindmarsh.
- ☐ Watson, John (Port Adelaide).
- ☐ Watson, John (Unley).

*Directions.*—The elector must mark his vote on this ballot-paper by making a cross having its point of intersection within the square opposite the name of the candidate or candidates for whom he votes.

Sec. 141.

## THE TWENTIETH SCHEDULE.

DECLARATION TO BE MADE BY A VOTER BEFORE VOTING AT ANY  
POLLING-PLACE OTHER THAN THAT FOR WHICH HE IS REGISTERED,  
OR OUTSIDE HIS SUB-DISTRICT.

DIVISION [*or DISTRICT*].

POLLING-PLACE OF

I, [*Christian and surname in full*], of [*residence and occupation*], do hereby declare as follows:—

1. I am the person whose name appears as [*set out name as appearing on the roll*] on the Legislative Council [*or House of Assembly*] roll for the polling-place of \_\_\_\_\_, within this division [*or district*].
2. I have not voted, either here or at any other polling-place, at this election.

I promise that if I am permitted to vote here I will not vote at this election at any other polling-place.

[*Usual signature.*]

Signed and declared before me, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
\_\_\_\_\_, Presiding Officer.

Sec. 174.

## THE TWENTY-FIRST SCHEDULE.

## FORM OF RETURN OF ELECTORAL EXPENSES.

I, A. B., a candidate at the election for the \_\_\_\_\_ District on \_\_\_\_\_ day  
of \_\_\_\_\_, make the following return respecting my electoral expenses at the  
election:—

RECEIPTS. £ s. d.

Received of J. K. ....  
[*Here set out the name and description of every person, club, society,  
or association from whom any money was received in respect of  
expenses.*]

EXPENDITURE. £ s. d.

Paid G. H., my election agent .....  
Paid to I. J., clerk, for \_\_\_\_\_ day's services. ....  
Paid to K. L., scrutineer at .....  
[*The names and descriptions of the agent and every clerk and  
scrutineer, and the sum paid to each, must be set out separately.*]

Paid

*The Electoral Code.—1908.*

£   s.   d.

Paid to the following persons in respect of goods supplied or work and labor done . . . . .  
 [The name and description, and the nature of the goods supplied, or the work and labor done by each, must be set out separately.]  
 Paid hire of rooms for holding public meetings . . . . .  
 Paid hire of rooms for holding committee meetings . . . . .  
 Paid for miscellaneous matters . . . . .  
 [The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately.]

In addition to the above, I am aware of the following disputed and unpaid claims, viz. :—

By T. U., for . . . . .  
 [Here set out the name and description of each person whose claim is unpaid or disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.]

Except as appears from the above I have not, and to the best of my knowledge and belief, no person has made on my behalf or in my interest, any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

I have paid the sum of . . . . . altogether, and no more, for the purpose of the election, and, except as specified above, no money security, or equivalent for money, has, to my knowledge or belief, been paid, advanced, given, or deposited by anyone to any other person for the purpose of defraying any expenses incurred on my behalf or in my interest on account of or in respect of the conduct or management of the said election.

[Signature of candidate U.D.]

Signed the . . . . . day of . . . . . in the presence of  
 E. F., Justice of the Peace.

## THE TWENTY-SECOND SCHEDULE.

Sec. 226.

## FEES TO BE PAID TO OFFICERS.

	£	s.	d.
To the Returning Officer for a District—			
For supervising the District, and other duties not hereinafter specified (per annum) . . . . .	25	0	0
For all duties in connection with an election . . . . .	20	0	0
Hire or erection of polling-booth—The actual cost, as proved by vouchers.			
Stationery and advertising—The actual cost, as proved by vouchers.			
Travelling—Actual expenses approved by the Returning Officer for the State.			
To an Assistant Returning Officer—			
For all duties in connection with the polling (including duties as presiding officer), and the duties of the scrutiny . . . . .	3	3	0
For duties as presiding officer on any day to which the polling is adjourned . . . . .	2	2	0
For other services approved by the Returning Officer for the State, a sum not exceeding . . . . .	2	2	0
To a Presiding Officer—			
For all duties in connection with the polling (per diem) . . . . .	2	2	0
To a Poll Clerk—			
For all duties on polling-day or adjourned polling-day (per diem) . .	1	1	0
To a Scrutiny Clerk (per diem) . . . . .	1	1	0

To

*The Electoral Code.—1908.*


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To a Doorkeeper—	£	s.	d.
At the polling (per diem).....	0	10	6
At the scrutiny (per diem) .....	0	10	6

Conveyance of ballot-boxes and other expenses approved by the Returning Officer for the State—The actual cost, as proved by vouchers.

To persons employed to collect information and obtain claims—Amounts approved by the Minister.

N.B.—When both Council and Assembly elections are held on the same day only one set of fees will be allowed to the same person.



ANNO OCTAVO

# EDWARDI VII REGIS.

A.D. 1908.

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## No. 972.

An Act to authorise the Treasurer to raise Moneys to the amount of Two Millions Four Hundred and Sixty-three Thousand Pounds for various Public Works, and for other purposes.

*[Assented to, December 23rd, 1908.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Public Purposes Loan Act, 1908," and shall be incorporated with "The Consolidated Stock and Sinking Fund Act, 1896." Short title and incorporation.

2. The Treasurer may raise money to the amount of Two Millions Four Hundred and Sixty-three Thousand Pounds, by the issue and sale of South Australian Consolidated Stock, Inscribed Stock, or Treasury Bills, such Stock and Bills, bearing not more than four per centum annual interest, interest payable half-yearly: Provided that the repayment of the principal thereof shall not extend beyond thirty years from the time of issue. Power to borrow.

3. All sums of money raised under this Act shall be applied to the several purposes set forth in the Schedule hereto, and to the extent therein set forth; and shall be applied by the Treasurer in such amounts and manner as the Governor, by warrant under his hand, countersigned by the Chief Secretary, may from time to time authorise and direct. Application of moneys.

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*The Public Purposes Loan Act.—1908.*

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Expenses incurred.

**4.** All discounts, charges, and other expenses incurred in connection with the issue of the securities sold under this Act shall be charged to an account constituted for the purpose of paying discounts, charges, and other expenses incurred in connection with the floating of loans, such account shall be credited annually with contributions from General Revenue, not being less than ten per centum of the amount of the expenses incurred in raising the money authorised to be raised under this Act.

Salaries to be submitted to Parliament.

**5.** All salaries of officers payable out of moneys raised under this Act shall be annually submitted to Parliament.

Advances.

**6.** The Governor may, by warrant, countersigned by the Chief Secretary, authorise the Treasurer to advance to the proper Responsible Minister of the Crown, for the purposes of this Act, any sums of money not exceeding in the whole the sum hereby authorised to be raised; and an amount equal to the sums of money so advanced shall be retained by the Treasurer out of any moneys raised by him under the authority of this Act, and applied in repayment of the moneys so advanced.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor

*The Public Purposes Loan Act.—1908.*

## SCHEDULE REFERRED TO.

Undertaking.	Amount.
<b>RAILWAYS.</b>	
Railway Accommodation—	£
Interlocking Dry Creek, Salisbury, Gawler, and Wasleys	£
Stations .....	38,000
Additional Rolling-stock .....	170,000
Doubling Line South Line Junction to Mitcham .....	18,000
Extending Line Mitcham to Clapham .....	5,500
Houses for Maintenance and other Employés .....	20,000
Additional Accommodation, Adelaide, for Passenger and	
Goods Traffic (first instalment) .....	100,000
	351,500
Adelaide to Glenelg Railway .....	15,000
Port Lincoln Railway .....	20,000
Gawler to Angaston Railway .....	214,000
Laura to Booleroo Centre Railway .....	82,500
Outer Harbor Railway—Doubling Line from Light's Passage to	
Glanville and Extension to Port Adelaide .....	90,000
	773,000
<b>HARBOR IMPROVEMENTS.</b>	
Deepening and Improvements at Port Adelaide .....	30,000
Deepening and Improvements at Port Pirie .....	20,000
Deepening and Improvements at Outports .....	5,000
River Murray Improvements .....	10,000
	65,000
<b>WATERWORKS.</b>	
Adelaide Water District .....	100,000
Country Water Districts .....	10,000
Beetaloo and Bundaleer Water Districts .....	150,000
Barossa Water District .....	75,000
Pekina Creek Waterworks .....	25,000
	360,000
<b>DRAINAGE.</b>	
South-Eastern District (first instalment) .....	100,000
Adelaide Sewers, including Port Adelaide and Semaphore District (first	
instalment) .....	100,000
	200,000
<b>JETTIES AND LIGHTHOUSES.</b>	
Jetties, various .....	50,000
Lighthouses, various .....	20,000
	70,000
<b>BUILDINGS, ETC.</b>	
Erection of Schoolhouses .....	30,000
Produce Stores, Port Adelaide .....	90,000
Glanville Workshops .....	20,000
	140,000

SCHEDULE

*The Public Purposes Loan Act.—1908.*SCHEDULE REFERRED TO—*continued.*

Undertaking.	Amount.
OTHER LOAN WORKS.	
	£
Vermin-proof Fencing .....	150,000
Land Repurchase .....	500,000
Irrigation and Reclamation of Swamp Lands .....	100,000
Lessees of Reclaimed Lands—Loans to .....	5,000
Advances to Settlers Fund .....	100,000
	855,000
Total .....	£2,463,000





ANNO OCTAVO

EDWARDI VII REGIS.

A.D. 1908.

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No. 973.

An Act for the Further Appropriation of the Revenue for the Year ended June Thirtieth, One Thousand Nine Hundred and Eight, and for the General Appropriation of the Revenue for the Year ending June Thirtieth, One Thousand Nine Hundred and Nine.

*[Assented to, December 23rd, 1908.]*

**W**HEREAS, by various Acts and Ordinances of the State of South Australia, certain moneys are or may be collected, to be paid to the Treasurer on behalf of His Majesty, His heirs and successors, for the public uses of the said State and support of the Government thereof: And whereas certain other moneys are or may become payable to the said State for the like uses, under the provisions of the Commonwealth of Australia Constitution Act, 63 & 64 Vict., ch. 12—

Preamble.

Be it therefore Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. Out of the said moneys paid by the Commonwealth of Australia, and the produce of all or any other the General Public Revenues of the said State, not otherwise by law specially appropriated, there shall or may be further issued and applied, in the manner hereinafter mentioned, any sums of money not exceeding in amount respectively the several sums of money hereinafter specified, that is to say—

Appropriation of General Revenue.

**FIRSTLY.**—For defraying the Excess of Expenditure for the Government Establishments and Public Services beyond the Grant

Excesses on Votes, 1907-8.

for

*Appropriation Act.—1908.*

for the year ended the thirtieth day of June, one thousand nine hundred and eight, there shall be paid the sum of Two Hundred and Forty-two Thousand Six Hundred and Thirty-four Pounds Thirteen Shillings and Four Pence, the said amount being appropriated as follows, viz.:—

	£	s.	d.
The Legislature .. .. .	1,586	15	5
Chief Secretary, &c. .. .	8,659	19	7
Attorney-General .. .	650	11	2
Treasurer, &c. .. .	11,144	11	8
Commissioner of Crown Lands and Minister of Agriculture, &c. .. .	20,219	15	11
Commissioner of Public Works and Minister of Education .. .	200,372	19	7
<b>Total Excesses on Votes, 1907-8 .. .</b>	<b>£242,634</b>	<b>13</b>	<b>4</b>

*Estimates, 1908-9.*

SECONDLY.—For defraying the charge of the State Government for the year ending the thirtieth day of June, one thousand nine hundred and nine, there shall be paid the sum of Two Millions One Hundred and Fifty-one Thousand Two Hundred and Two Pounds, the said amount being appropriated as follows, viz.:—

	£	s.	d.
Legislative Council .. .	2,037	0	0
House of Assembly .. .	3,393	0	0
Parliamentary Library .. .	565	0	0
Office-keeper and Caterer, Parliament House .. .	930	0	0
Legislature Generally .. .	11,827	0	0
Private Secretary .. .	250	0	0
Office of Chief Secretary .. .	1,712	0	0
Statistical Department .. .	1,806	0	0
Audit .. .	5,107	0	0
Public Actuary .. .	975	0	0
Sheriff .. .	1,033	0	0
Registrar-General Births, Deaths, and Marriages .. .	2,538	0	0
Printing and Stationery Offices .. .	26,133	0	0
Police .. .	84,347	0	0
Gaols and Prisons .. .	14,798	0	0
Medical Officers .. .	880	0	0
Hospitals .. .	32,948	0	0
Lunatic Asylum .. .	27,748	0	0
Destitute Persons .. .	21,573	0	0
State Children .. .	20,499	0	0
Central Board of Health .. .	2,030	0	0
Quarantine .. .	730	0	0
Department of Industry .. .	2,121	0	0
Retiring Allowances and Gratuities .. .	11,575	0	0
Miscellaneous (Chief Secretary) .. .	20,036	0	0
Law Officers .. .	3,396	0	0
Public Trustee .. .	990	0	0
Supreme Court .. .	5,066	0	0
Probate and Succession Duties Office .. .	1,371	0	0
Registrar of Companies' Office .. .	65	0	0
Court of Insolvency .. .	1,990	0	0
Magistrates and Local Courts .. .	9,215	0	0
Coroners .. .	490	0	0
Registrar-General of Deeds .. .	6,235	0	0
Miscellaneous (Attorney-General) .. .	1,895	0	0
The Treasury .. .	4,677	0	0
Agent-General in England .. .	3,483	0	0
Land and Income Tax Department .. .	14,555	0	0

Stamp

*Appropriation Act.—1908.*

	£	s.	d.
Stamp Duty Department .. .. .	1,030	0	0
Interest and Exchange .. .. .	20,000	0	0
Unclaimed Moneys, Repayment of .. .. .	250	0	0
Miscellaneous (Treasurer and Attorney-General) .. .. .	1,080	0	0
Office of Commissioner of Crown Lands and Immigration and Minister of Mines and Agriculture and Intelligence	49,927	0	0
Woods and Forests .. .. .	10,080	0	0
Survey .. .. .	30,592	0	0
Experimental Agriculture .. .. .	5,724	0	0
Agricultural College .. .. .	10,180	0	0
Stock and Brands .. .. .	3,422	0	0
Botanic Garden .. .. .	6,850	0	0
Produce Department .. .. .	25,968	0	0
Public Works .. .. .	106,050	0	0
Miscellaneous (Commissioner of Crown Lands and Immi- gration, &c.) .. .. .	21,640	0	0
Office of Commissioner of Public Works, &c. .. .. .	1,358	0	0
Office of Minister of Education .. .. .	750	0	0
Engineering .. .. .	50,335	0	0
Works and Buildings Department .. .. .	5,638	0	0
Government Offices .. .. .	1,850	0	0
Cemeteries .. .. .	1,387	0	0
Railways .. .. .	1,006,985	0	0
Supply and Tender Board .. .. .	16,375	0	0
Marine Board .. .. .	31,401	0	0
Aborigines .. .. .	4,210	0	0
Education Department .. .. .	171,313	0	0
Public Library, Museum, Art Gallery, Art Schools, and Institutes .. .. .	13,737	0	0
Schools of Mines and Industries and Technological Museum	7,857	0	0
Observatory .. .. .	500	0	0
Public Works .. .. .	186,546	0	0
Miscellaneous (Commissioner of Public Works and Minister of Education) .. .. .	7,148	0	0
<b>Total Estimates, 1908-9 .. .. .</b>	<b>£2,151,202</b>	<b>0</b>	<b>0</b>

THIRDLY.—For defraying the Excess of Expenditure for the Government Establishments and Public Services of the Northern Territory beyond the Grants for the year ended the thirtieth day of June, one thousand nine hundred and eight, there shall be paid the sum of Four Thousand Four Hundred and Fifty-Seven Pounds Three Shillings and Nine Pence, the said amount being appropriated as follows, viz.:—

Excesses on Votes,  
Northern Territory,  
1907-8.

	£	s.	d.
Government Resident .. .. .	183	11	0
Police .. .. .	377	6	11
Gaol .. .. .	15	0	8
Charitable Institutions .. .. .	629	11	5
Board of Health .. .. .	0	16	8
Law Officers .. .. .	44	9	0
Marine .. .. .	945	10	10
Botanic Garden .. .. .	4	9	4
Survey .. .. .	103	4	6
Goldfields and Mining .. .. .	542	10	0
Education .. .. .	35	13	7
Railways—Palmerston and Pine Creek Line .. .. .	656	17	7
Public Works .. .. .	724	8	4
Retiring Allowances and Gratuities .. .. .	41	1	3
Miscellaneous .. .. .	152	12	8

**Total Excesses on Votes, Northern Territory, 1907-8 .. £4,457 3 9**

FOURTHLY.

*Appropriation Act.—1908.*

Northern Territory  
Estimates, 1908-9.

FOURTHLY.—For defraying the charge of the Northern Territory for the year ending the thirtieth day of June, one thousand nine hundred and nine, there shall be paid out of the Northern Territory Revenues the sum of One Hundred and Five Thousand Six Hundred and Fourteen Pounds, the said amount being appropriated as follows, viz.:—

	£	s.	d.
Office of the Minister Controlling the Northern Territory ..	740	0	0
Government Resident .. .. .	2,646	0	0
Police .. .. .	8,081	0	0
Gaol .. .. .	1,419	0	0
Charitable Institutions .. .. .	3,715	0	0
Board of Health .. .. .	40	0	0
Law Officers .. .. .	420	0	0
Marine .. .. .	3,325	0	0
Stock and Brands .. .. .	430	0	0
Botanic Garden .. .. .	860	0	0
Survey .. .. .	1,226	0	0
Goldfields and Mining .. .. .	20,981	0	0
Education .. .. .	580	0	0
Railways and Tramways .. .. .	14,755	0	0
Public Works .. .. .	9,722	0	0
Miscellaneous .. .. .	36,674	0	0

Total as shown by Estimates .. .. . £105,614 0 0

Treasurer to pay the  
orders of Governor,  
and discharge by  
receipt of party.

2. The Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively in that behalf hereinbefore specified, to such persons and in such portions as the Governor for the time being shall, by any order or orders in writing signed by him and countersigned by the Chief Secretary, from time to time direct; and the said Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which the same receipts shall have been respectively given, and the amounts thereof shall be passed to his credit in account accordingly.

In the name and on behalf of His Majesty, I hereby assent to  
this Bill.

GEORGE R. LE HUNTE, Governor.















